



LOWER CANADA.

COPY OF

ORDINANCES

PASSED BY

THE GOVERNOR AND SPECIAL COUNCIL

OF

LOWER CANADA,

IN THE THIRD AND FOURTH YEARS OF THE REIGN OF
HER MAJESTY QUEEN VICTORIA.



(Presented pursuant to Act 2 & 3 Vict., c. 53, s. 2.)

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Colonial Office, Downing-street, }
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R. VERNON SMITH.

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ORDINANCES, &c.

(Copy.)

No. 117.

No. 117.
Improvement of
Montreal Harbour.

An Ordinance to render permanent a certain Ordinance therein mentioned relative to the Improvement and Enlargement of the Harbour of Montreal.
[Passed 13th May 1840.]

WHEREAS it is expedient to render permanent the Ordinance herein-after mentioned; be it therefore ordained and enacted by his Excellency the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Ordinance of his Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof and of the Special Council for the Affairs of the said Province, passed in the First Year of Her Majesty's Reign, and intituled "An Ordinance to authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned to borrow a further Sum of Money to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other Purposes," which would not otherwise, under the Provisions of the Act first above recited, remain in force beyond the First Day of November One thousand eight hundred and forty-two, shall be and the said Ordinance is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirteenth Day of May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirteenth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 118.

Commissioners of
Montreal Harbour
to borrow a further
Sum of Money.

(Copy.)

No. 118.

An Ordinance to authorize the Commissioners for the Improvement and Enlargement of the Harbour of Montreal to borrow a further Sum of Money, and for other Purposes. [Passed 13th May 1840.]

WHEREAS it is expedient to make further Provision for more fully carrying into effect a certain Act of the Legislature of this Province, passed in the Session held in the Tenth and Eleventh Years of the Reign of His Majesty King George the Fourth, and intituled "An Act to provide for the Improvement and Enlargement of the Harbour of Montreal," and a certain other Act of the said Legislature passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to authorize the Commissioners appointed under a certain Act therein mentioned to borrow a further Sum of Money to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other Purposes;" be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That it shall be lawful for the Commissioners appointed under the Authority of the said Acts of the Provincial Legislature, for the Purpose of defraying the Expenses attending the Execution of the Works mentioned in the said Acts, and in other Acts and Ordinances relative to the said Harbour, and in this Ordinance, and all other Expenses hereby authorized, to borrow, with the Consent and Approbation of the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, at any Rate of Interest, whether greater or less than Six per Cent. per Annum (any Law to the contrary notwithstanding), but on the most advantageous Terms in their Power, and from Time to Time as the same may become necessary for the Purposes aforesaid, any Sum or Sums of Money not exceeding in the whole Twenty-three thousand Pounds Currency: Provided always, that no further or other Sum or Sums of Money than may have before the passing of this Ordinance been borrowed under the Authority of any Act or Acts, or any Ordinance of the Legislature of this Province, for the Purposes aforesaid, shall hereafter be borrowed under the Authority of any such Act or Ordinance.

And whereas it is expedient that Provision should be made for the due Payment of the Interest of the Money so borrowed until the Work shall be executed, and Wharfage and other Dues collected, out of which such Interest may be paid; be it therefore further ordained and enacted by the Authority aforesaid, That it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, from Time to Time to authorize, by Warrant under his Hand, the Advance to the said Commissioners of such Sums out of the unappropriated Monies in the Hands of the Receiver General as may be necessary to enable them to pay the said Interest, and such Advances shall be made in the Months of January and July of each and every Year, and the said Commissioners shall immediately pay over the Sums of Money so advanced to the Person or Persons to whom such Interest may be then due.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, from and after the passing of this Ordinance in and for the Improvement and Enlargement of the Harbour of Montreal, to proceed to the entire Execution of the Plan heretofore approved and sanctioned with reference to such Improvement and Enlargement of the

said Harbour, and to the Completion of all and every the Works which may be necessary for such entire Execution of the said Plan, and of all and every the Works mentioned in the Ordinance herein last above cited.

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, with the Consent and Approval of the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, to continue the Revêtement, Wall, and filling in from their present Termination at Grey Nuns Street upwards to the Entrance Lock of the Lachine Canal, and to make a double Ramp at Grey Nuns Street, and to purchase and hold so much of the Ground now belonging to Nahum Hall, Esquire, or his legal Representatives, as may be necessary for the said Purposes, or to make a wide and easy Access to the Wharves of the said Harbour from the said Canal, and to continue the said Revêtement, Wall, and filling in from their present lower Termination from Saint Gabriel Lane downwards to the Government Works at the Commissariat Store.

And be it further ordained and enacted by the Authority aforesaid, That the Steam-dredging Vessel, and all the Apparatus and Machinery thereunto belonging, mentioned in a certain Act of the Provincial Legislature passed in the Session held in the Tenth and Eleventh Years of the Reign of His Majesty King George the Fourth, and intituled "An Act to appropriate a certain Sum of Money for the Purchase of a Steam-dredging Vessel," and to defray the Expense of purchasing and constructing which divers Sums of the Public Money have been by the Act last cited and by other Acts and Ordinances appropriated, shall be and the said Steam-dredging Vessel, Machinery, and Apparatus are hereby placed in and under the Control, Management, Keeping, and Charge of the said Commissioners, subject to such Directions and Instructions as they may from Time to Time receive from the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, with regard to the same; and the said Commissioners shall, out of the Sum they are herein-after authorized to borrow for the said Vessel and Apparatus, pay all Debts due for or with regard to the same, and which the Sums heretofore appropriated for that Purpose may be insufficient to discharge.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners to complete and keep in efficient Repair and working Order the said Steam-dredging Vessel, Machinery, and Apparatus, with the necessary Scows, Barges, and Boats, and to work and use the same within the said Harbour, and during the Years One thousand eight hundred and forty and One thousand eight hundred and forty-one, in such Manner and for such Purposes as they shall think best adapted to promote the public Good, subject always to such Instructions and Directions as aforesaid; any thing in any Act, Ordinance, or Law to the contrary notwithstanding.

And whereas it is expedient to provide for the Completion of the said Steam-dredging Vessel and rendering it efficient; be it therefore further ordained and enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners to borrow, with the Consent and Approbation of the Governor, Lieutenant Governor, or Person administering the Government of the Province for the Time being, in like Manner as herein-before provided for the borrowing of the Sum and Sums of Money herein-before mentioned, any Sum or Sums of Money not exceeding the Sum of Five thousand Pounds Currency for completing and working the said Steam-dredging Vessel; and it shall be lawful for the said Governor, Lieutenant Governor, or Person administering the Government of this Province, from Time to Time to authorize the Advance of such Sums of Money out of the unappropriated Monies in the Hands of the Receiver General of this Province as may be necessary to enable the said Receiver General to pay the Interest of this said last-mentioned Sum and Sums of Money to be borrowed as last aforesaid, in like Manner as is herein-before provided for the Payment of the Interest on the Money mentioned in the Second Section of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That all the Provisions of the Fifth, Sixth, Seventh, and Eighth Sections of a certain Ordinance passed in the First Year of Her Majesty's Reign, and

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intituled

No. 118.

Commissioners of
Montreal Harbour
to borrow a further
Sum of Money.

No. 118.

Commissioners of
Montreal Harbour
to borrow a further
Sum of Money.

intituled "An Ordinance to authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned to borrow a further Sum of Money to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other Purposes," shall extend and are hereby extended and shall apply to the Valuation and Purchase of, and Payment or Compensation for, any Land or Real Property which the said Commissioners are hereby authorized to acquire, as if they had been authorized to acquire the same under and by the said Ordinance; and such Land or Real Property, being so acquired, shall be vested in the Commissioners and their Successors, for the Purposes of this Ordinance, and of the said Ordinance, and the Acts of the Provincial Legislature relative to the said Harbour and hereinbefore cited and mentioned.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or their Successors in Office, to pay such Price and Prices, Compensation and Compensations as may be finally agreed upon, fixed, and determined, for or with regard to any Land or Real Property acquired under the Authority of this Ordinance, and also to defray all Expenses attending the Execution of any Work or the doing of any thing hereby authorized, from and out of the Sum or Sums of Money to be borrowed in pursuance of the First Section of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That the said Commissioners, or their Successors in Office, shall report their Doings, and account for all Monies by them borrowed or received under the Authority of this Ordinance, in such Manner and Form and at such Time or Times as the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being shall direct.

And be it further ordained and enacted by the Authority aforesaid, That the due Application of all Public Monies hereby appropriated or expended under the Authority of this Ordinance shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the Time being, in such Manner and Form as Her Majesty, Her Heirs and Successors, shall direct.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirteenth Day of May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirteenth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

AND SPECIAL COUNCIL OF LOWER CANADA.

5

(Copy.)

No. 119.

No. 119.
To restrain the
undermining of the
Cliffs at Quebec.

An Ordinance to revive and render permanent a certain Act made to restrain all Persons from undermining the Cliffs on which the Fortifications at Quebec are constructed. [Passed 13th May 1840.]

WHEREAS it is expedient and necessary, for preventing serious Damage and Injury to the Fortifications and Military Works of the City of Quebec, to revive and render permanent the Act of the Provincial Legislature herein-after mentioned; be it therefore ordained and enacted by his Excellency the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Act of the Provincial Legislature passed in the Session held in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, and intituled "An Act to restrain all Persons from undermining the Cliffs on which the Fortifications of Quebec are constructed," and every Clause, Provision, Power, Authority, Direction, Regulation, Matter, and Thing therein contained, (excepting only the last Section thereof, whereby the Duration of the said Act was limited to the First Day of May One thousand eight hundred and thirty-three, when it expired,) shall be and are hereby revived, and shall be and remain in full Force and Authority from and after the passing of this Ordinance, in as full and ample a Manner to all Intents and Purposes as if the same were repealed and re-enacted in the Body of this Ordinance, saving only in so far as they may be in anywise contrary to the Provisions of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That the Words "City of Quebec" in the said Act and in this Ordinance shall be held and considered to mean and comprise the City and Banlieue of Quebec; any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance, and the Act hereby revived, shall be and are hereby made permanent, and shall be and remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirteenth Day of May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirteenth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 120.

(Copy.)

Militia of the
Province.

No. 120.

An Ordinance to amend a certain Ordinance therein mentioned relative to the Militia of this Province. [Passed 13th May 1840.]

WHEREAS it is expedient to amend the Ordinance passed in the First Year of Her Majesty's Reign, and intituled "An Ordinance to provide for the better Defence of the Province, and to regulate the Militia thereof," in so far as regards the annual Muster of the several Companies of the said Militia, required by the Seventh Section of the said Ordinance; be it therefore ordained and enacted by the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, by any Militia General Order to be by him made, published in the Quebec Gazette published by Authority, and directed to the Commanding Officers of each and every of the Battalions of Militia in this Province, to direct that the annual Muster of the Companies of Militia shall not take place on the Twenty-ninth Day of June of the Year in which such Order shall be made; and sufficient Notice of such General Order shall be given, before the Twenty-ninth Day of June to which it shall relate, by the Commanding Officer of each Battalion to the Captains or Officers commanding Companies therein, and shall be also notified by such Captains to each Militia-man, in the Manner prescribed by the Fifth Section of the said Ordinance; and such Order, being so given and notified, shall be obeyed by all Officers of Militia and Militia-men to whom it shall relate, under the Penalty imposed by the Fifteenth Section or by any other Section of the said Ordinance for each and every Act of Disobedience to such Provisions, any thing in the said Ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and remain in force until the First Day of May One thousand eight hundred and forty-three, and no longer.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirteenth Day of May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirteenth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 121.

No. 121.

Improvement of
the Highways in
the Province.

*An Ordinance to provide for the Improvement, during the Winter Season,
of the Queen's Highways in this Province, and for other Purposes.*

[Passed 13th May 1840.]

WHEREAS it is expedient to provide for the Improvement of the Queen's Highways throughout this Province during the Winter Season, and for the Introduction of more suitable Vehicles on the Winter Roads; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That from and after the Fifteenth Day of November One thousand eight hundred and forty no Winter Carriage or Vehicle without Wheels shall be used for the Conveyance of any other Load than Passengers, and their Baggage to the Amount of One Hundred Weight for each Passenger, on any or any Part of the Queen's Highways or Public Roads within this Province, except Sleighs or Sleds having Runners at least Six English Feet in Length on the straight Part of the Bottom thereof, and Eight and a Half Feet in Length, including the curved Part, and that have no Part of the Bottom of the Sleigh or Sled, or of the cross Beams that support the Bottom thereof, lower than Ten English Inches above the Bottom of the Runners, such Sleigh or Sled to have an open Space between the Runners and the Raves on which the Body rests, except where such Space is broken by the perpendicular Knees between the said Raves and Runners, and a clear Distance of at least Two and a Half English Feet between the Inside of the Runners at the Bottom thereof, nor shall the Shafts or Pole be attached to the Body of the Sleigh or Sled or Runners thereof at a lower Height than Ten English Inches above the Bottom of the Runners, nor shall any such Sleigh or Sled be used on any such Queen's Highway or Public Road unless the Horse or Horses or other Beast of Draught be harnessed abreast or so attached to it that one or both of the Runners shall follow in the Track or Tracks made by such Horse or Horses or other Beasts of Draught; provided always, that if there be only One Horse or Beast of Draught, or if no Two of the Horses or Beasts of Draught be harnessed abreast, then the left Runner shall follow in the Track of such Horse or Horses or other Beasts of Draught; and provided always, that the Length herein-before prescribed for the Runners of the said Sleighs or Sleds shall not affect the Sleds used for Saw-logs or heavy Timber commonly called Bob-sleds.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That nothing in this Ordinance shall extend to prevent any Kind of Winter Carriage from being used for crossing any such Queen's Highway or public Road, or proceeding along it, for a Distance not exceeding Six Arpents, for the Purpose of passing from one Part to another of the Property of the Owner or Owners of such Carriage.

Provided also, and be it further ordained and enacted by the Authority aforesaid, That no Cariole, Train, Berline, or other Winter Carriage, other than such Sleighs or Sleds as are herein-before described and permitted, shall be used on any such Queen's Highway or Public Road within this Province, for the Conveyance of Passengers and their Baggage as aforesaid, unless the Horse or Horses or other Beast of Draught drawing such Carriage shall be harnessed thereto in the Manner herein-before prescribed with regard to

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Sleighs

No. 121.

Improvement of
the Highways in
the Province.

Sleighs or Sleds hereby permitted to be used, nor unless the Shafts of such Carriage (if any there be) shall be attached to such Cariole, Train, Berline, or other Winter Carriage at the Height above the Bottom of the Runners hereinbefore prescribed, and fixed otherwise than under the Bottom thereof.

And be it further ordained and enacted by the Authority aforesaid, That when Two Winter Vehicles meet, or a Winter Vehicle meets a Person on Horseback, travelling on the same beaten Track of Snow, that it shall be the Duty of the Driver or Drivers of such Vehicle or Vehicles to drive their Horse or Horses or other Beast or Beasts of Draught to the Right, so that while passing but One of the Runners of such Vehicle or of each of such Vehicles shall occupy the beaten Track.

And be it therefore ordained and enacted by the Authority aforesaid, That all and every the Provisions of this Ordinance shall extend and be applicable to all Public Roads defined and laid out, during the Winter Season, by lawful Authority, on the Rivers and other Waters when frozen, and on Land: Provided always, that the said Provisions shall not, during Three Years from the passing of this Ordinance, extend nor be construed to extend to any Public Road in the District of Quebec, except the main Public or Post Road by which Communication is had between the Town of Three Rivers and the City of Quebec.

And be it further ordained and enacted by the Authority aforesaid, That each and every Person offending against the Provisions of this Ordinance shall for each such Offence incur a Penalty of Ten Shillings Currency, on Conviction thereof before any Justice of the Peace for the District, on the Oath of One credible Witness other than the Informer; and such Justice of the Peace may, if such Penalty be not forthwith paid with the Cost of the Prosecution, commit the Offender to the Common Gaol of the District for a Period not exceeding Eight Days.

And be it further ordained and enacted by the Authority aforesaid, That one Moiety of all pecuniary Penalties recovered under the Authority of this Ordinance shall be paid over to the Receiver General, and shall belong to Her Majesty for the public Uses of the Province, and the other Moiety shall belong to and be paid over to the Informer; and the due Application of all Monies so paid over for the public Use, or appropriated by this Ordinance, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of the Treasury for the Time being, in such Manner and Form as Her Majesty, Her Heirs and Successors, shall direct.

And be it further ordained and enacted by the Authority aforesaid, That Copies of this Ordinance shall be sent to each of the Grand Voyers for the District of Quebec, Montreal, and Three Rivers, who shall, within One Month from the passing of this Ordinance, forward one of such Copies to one of the Surveyors of Highways in each Parish in his District through which any Queen's Highway or Public Road passes, and such Surveyor shall cause it to be read at the Door of the Church of his Parish or Township immediately after Divine Service in the Forenoon, or at some other public Place if there be no Church, on the Three Sundays immediately following the Time at which he shall receive such Copy.

And be it further ordained and enacted by the Authority aforesaid, That an Ordinance passed in the Second Year of Her Majesty's Reign, Chapter Thirty-four, intituled "An Ordinance to provide for the Improvement, during the Winter Season, of the principal Post Roads from various Parts of the Province to Montreal, and for other Purposes," shall be and the same is hereby repealed.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirteenth Day of May, in the Third Year of the Reign of Our Sovereign Lady Victoria, by the
Grace

AND SPECIAL COUNCIL OF LOWER CANADA.

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Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 121.

Improvement of
the Highways in
the Province.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirteenth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 122.

No. 122.

An Ordinance to amend an Ordinance made and passed in the Second Year of Her Majesty's Reign, intituled "An Ordinance to authorize the Governor or Person administering the Government of this Province to appoint One or more Assistant Judges for the Courts of King's Bench for the Districts of Quebec and Montreal in this Province, and an Assistant Judge for the District of Three Rivers, in the Case of Sickness, necessary Absence, or Suspension from Office of any of the Justices of the said several Courts of King's Bench, or the Resident Judge for the District of Three Rivers in the said Province."
[Passed 19th May 1840.]

Appointment of
Assistant Judges
in case of Sick-
ness, &c.

WHEREAS it is expedient to amend a certain Ordinance made and passed by the Administrator of the Government of this Province, authorized to execute the Commission of Governor thereof, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, in the Second Year of Her Majesty's Reign, intituled "An Ordinance to authorize the Governor or Person administering the Government of this Province to appoint One or more Assistant Judges for the Courts of King's Bench for the Districts of Quebec and Montreal in this Province, and an Assistant Judge for the District of Three Rivers, in the Case of Sickness, necessary Absence, or Suspension from Office of any of the Justices of the said several Courts of King's Bench, or the Resident Judge for the District of Three Rivers in the said Province;" be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue of and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue of and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada;" and it is hereby temporary Provision for the Government of Lower Canada, That the Assistant Judges who have been or may hereafter be appointed, under the Authority of the said Ordinance, in the Place and Stead of any of the Justices of the Courts of King's Bench for the Districts of Quebec and Montreal, shall respectively have the same Jurisdiction, Power, and Authority, as well in Term and in Court as out of Term and out of Court, and in Vacation, as the Justices of the said Courts of King's Bench respectively by Law have and may exercise, and shall and may hold Circuit Courts, and sit and act as Judges on the Circuits, in the said Districts respectively, in the same Manner as the said Justices of the said Courts of King's Bench respectively may or can do,

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No. 122.

Appointment of
Assistant Judges
in case of Sick-
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do, and shall and may have the same Jurisdiction, Power, and Authority in the District of Three Rivers and in the District of St. Francis, in the Courts of King's Bench for the said Districts, as well in Term and in Court as out of Term and out of Court, and in Vacation, as the Justices of the said Courts of King's Bench for the Districts of Quebec and Montreal respectively now by Law have in the said Districts of Three Rivers and St. Francis respectively.

And in order to remove all Doubts respecting the Validity of the Judgments, Proceedings, and Acts of the Assistant Judges who have been appointed in pursuance of the Ordinance herein-before mentioned, or in which they have participated or concurred, be it further ordained and enacted by the Authority aforesaid, That all Rules, Orders, Judgments, Proceedings, and Acts of the said Assistant Judges, or either of them, as well singly as in conjunction with another Judge or other Judges, and as well in Term and in Court as out of Term and out of Court, and in Vacation, in the Districts of Quebec, Montreal, Three Rivers, and St. Francis respectively, and on the Circuits in the said Districts of Quebec and Montreal respectively, or otherwise, shall be held and taken to have been made, rendered, done, had, and performed by and before legal and competent Authority, and shall have the same Force and Effect as if the same had been made, rendered, done, had, and performed, or concurred in by the Judges of the Courts of King's Bench for the said Districts of Quebec and Montreal respectively; nor shall any such Rules, Orders, Judgments, Proceedings, or Acts be liable or be subject to be called in question for any alleged or supposed Want of Jurisdiction, Power, or Authority of the said Assistant Judges in that Capacity to exercise all or any of the Powers, and to perform all or any of the Acts, which might be legally exercised and performed by the Judges of the said Courts of King's Bench respectively.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance, and the Ordinance hereby amended, shall be and are hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirteenth Day of May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirteenth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 126.

Commissioners for
the Canal from
St. John's to Cham-
bly authorized to
borrow Money.

No. 126. .

An Ordinance to amend and render permanent an Ordinance passed in the Second Year of Her Majesty's Reign, intituled "An Ordinance to authorize the Commissioners for making the Canal from Saint John's to Chambly to borrow a certain Sum of Money to complete the said Canal."
[Passed 12th May 1840.]

WHEREAS it is expedient to alter, amend, and render permanent an Ordinance passed by the Governor of this Province, with the Advice and Consent

Consent of the Special Council for the Affairs of the said Province, intituled "An Ordinance to authorize the Commissioners for making the Canal from Saint John's to Chambly to borrow a certain Sum of Money to complete the said Canal;" be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That it shall be lawful for the Commissioners now named and appointed or hereafter to be named and appointed to borrow a Sum or Sums of Money not exceeding Thirty-five thousand Pounds Currency, for the Purposes in the said Ordinance mentioned, at such Rate of Interest (exceeding the legal Rate of Interest if the Loan of the said Sum or Sums of Money cannot be otherwise effected) as may be agreed upon, and payable within such Period or Periods as may also be agreed on, and not sooner, without the Consent of the Lender or Lenders of such Sum or Sums of Money, and subject nevertheless to the Payment of the Interest on such Loans half-yearly.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That no Contract or Obligation for the Loan of Money for the Purposes aforesaid to bear Interest at any Rate greater than Six per Cent. shall be valid without the Sanction and Confirmation of the Governor, Lieutenant Governor, or Person administering the Government, signified through his Secretary.

Provided also, and be it further ordained and enacted by the Authority aforesaid, That all Monies arising from any Rates, Tolls, Duties, Income, or Revenue of any Kind to be levied or collected on or for the Use of the said Canal shall be paid, by the Person or Persons who shall receive such Monies, into the Hands of the Receiver General of this Province, and, being so paid, shall be and are hereby specially appropriated to the Payment of the Principal and Interest of each and every Sum of Money borrowed by the said Commissioners under the Authority of this Ordinance or of the Ordinance hereby amended, and of the necessary Expense of repairing and maintaining the said Canal and of collecting the said Monies, nor shall any Part thereof be paid for or appropriated to any other Purpose whatsoever until the said Principal and Interest be wholly paid and discharged: Provided further, that if at any Time before any Sum or Sums so borrowed as aforesaid, and then unpaid, shall be redeemable, it shall happen that the Monies hereby appropriated to the Payment of the Principal and Interest thereof, then in the Hands of the Receiver General, shall be more than sufficient for the Purposes for which they are hereby appropriated, it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government, for the Time being, to pay off any Part of the said Principal which any Party to whom the same may be due shall be willing to receive, and by Warrant under his Hand to authorize the Receiver General to pay to such Party, and out of the Monies hereby appropriated, such Sum (whether greater or less than the Amount of the Principal so to be paid off) as such Party may be willing to receive in Payment of such Principal; any thing in the said Ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance, and the Ordinance hereby amended, shall be and are hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twelfth Day of

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May

No. 126.

Commissioners for
the Canal from
St. John's to Cham-
bly authorized to
borrow Money.

ORDINANCES PASSED BY THE GOVERNOR

No. 126.

Commissioners for
the Canal from
St. John's to Cham-
bly authorized to
borrow Money.

May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By His Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twelfth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 127.

Preventing the
administering un-
lawful Oaths, and
treasonable and
seditious Practices.

No. 127.

An Ordinance to render permanent a certain Ordinance for more effectually preventing the administering or taking of unlawful Oaths, and for preventing treasonable and seditious Practices.

[Passed 12th May 1840.]

WHEREAS it is expedient to render permanent the Ordinance herein-after mentioned; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Ordinance of his Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, and of the Special Council for the Affairs of the said Province, made and passed in the Second Year of Her Majesty's Reign, and intituled "An Ordinance for more effectually preventing the administering or taking of unlawful Oaths, and for better preventing treasonable and seditious Practices," which would otherwise expire on the First Day of November One thousand eight hundred and forty-two, shall be and the said Ordinance is hereby made permanent, and shall remain in force until repealed or altered by competent Authority; any thing in the said Ordinance to the contrary notwithstanding.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twelfth Day of May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By His Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twelfth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 198.

No. 128.

Estates and Property occupied for the Ordinance Service.

An Ordinance to render permanent the Ordinance therein mentioned relative to the Estates and Property in this Province occupied for the Ordinance Service.
[Passed 12th May 1840.]

WHEREAS it is expedient to render permanent the Ordinance herein-after mentioned, which would otherwise expire on the First Day of November One thousand eight hundred and forty-two; be it therefore ordained and enacted by his Excellency the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Ordinance of the Governor of this Province and of the Special Council for the Affairs thereof, passed in the Second Year of Her Majesty's Reign, and intituled "An Ordinance for vesting all the Estates and Property in the Province of Lower Canada occupied for the Ordinance Service in the principal Officers of Her Majesty's Ordinance, and for granting certain Powers to the said principal Officers, and for other Purposes therein mentioned," shall be and the said Ordinance is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Ordinance to the contrary notwithstanding.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That nothing contained in the Ordinance hereby rendered permanent shall extend or be construed to extend to diminish, derogate from, or affect in any Manner any Right or Prerogative of Her Majesty, Her Heirs or Successors, excepting such only as are expressly mentioned and affected in and by the said Ordinance.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twelfth Day of May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twelfth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 131.

Continuing
certain Acts.

(Copy.)

No. 131.

An Ordinance further to continue for a limited Time certain Acts therein mentioned.
[Passed 30th April 1840.]

WHEREAS it is expedient further to continue for a limited Time certain Acts herein-after mentioned; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, and intituled "An Act to prevent fraudulent Debtors evading their Creditors in certain Parts of this Province," which has been revived and continued by subsequent Acts until the First Day of May One thousand eight hundred and forty, when it would otherwise expire, shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act or in any other Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the Ninth Year of the Reign of His said Majesty King George the Fourth, and intituled "An Act for the Preservation of the Salmon Fisheries in the Counties of Cornwallis and Northumberland," which has been continued by subsequent Acts until the First Day of May One thousand eight hundred and forty, when it would otherwise expire, shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act or in any other Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to encourage the Destruction of Wolves," which has been continued by subsequent Acts until the First Day of May One thousand eight hundred and forty, when it would otherwise expire, shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act or in any other Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to repeal a certain Act therein mentioned, and to provide for the more certain and expeditious Distribution of the printed Acts of the Legislature of this Province," and also a certain Ordinance passed in the Second Year of the Reign of Her present Majesty, intituled "An Ordinance to provide for the Distribution of the printed Copies of the Ordinances passed by the Governor of this Province and the Special Council for the Affairs thereof," which would otherwise expire on the First Day of May One thousand eight hundred and forty, shall be and the said Act and Ordinance are hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act or Ordinance or in any other Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the Fourth Year of the Reign of His said late Majesty King William the Fourth, and intituled "An Act to make more ample Provision for

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the Encouragement of Agriculture," which would otherwise expire on the First Day of May One thousand eight hundred and forty, shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the Sixth Year of the Reign of His said late Majesty King William the Fourth, and intituled "An Act to regulate the Fees of Persons employed by Justices of the Peace in the Country Parishes as Clerks or Bailiffs in certain Cases," which would otherwise expire on the First Day of May One thousand eight hundred and forty, shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the Sixth Year of the Reign of His said late Majesty King William the Fourth, and intituled "An Act to regulate and establish the Salaries of the Officers of the Customs at the inland Ports of this Province, and for other Purposes therein mentioned," which would otherwise expire on the First Day of May One thousand eight hundred and forty, shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the Sixth Year of the Reign of His said late Majesty King William the Fourth, and intituled "An Act to provide for the medical Treatment of sick Mariners," which would otherwise expire on the First Day of May One thousand eight hundred and forty, shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the Protection of Copyrights," shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, and intituled "An Act to amend an Act passed in the Thirty-fourth Year of the Reign of His late Majesty King George the Third, intituled 'An Act for the Division of the Province of Lower Canada, to amend the Judicature thereof, and to repeal certain Laws therein mentioned, inasmuch as the same relates to the Courts of Criminal Jurisdiction,'" shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act or in any other Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, Chapter Twenty-eight, intituled "An Act to facilitate the Proceedings against the Estates and Effects of Debtors in certain Cases," shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Act to the contrary notwithstanding.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by

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the

No. 131.

Continuing
certain Acts.

the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 132.

No. 132.

Erection of Court
Houses and Gaols.

An Ordinance to continue for a limited Time Two certain Acts therein mentioned relative to the Erection of Court Houses and Gaols in the several Counties of this Province, and for other Purposes therein mentioned.

[Passed 30th April 1840.]

WHEREAS it is expedient further to continue for a limited Time the Acts herein-after mentioned, which would otherwise expire on the First Day of May One thousand eight hundred and forty; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue of and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Act of the Provincial Legislature passed in the Second Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to authorize the Erection of Court Houses and Gaols in the Counties of this Province, and for other Purposes therein mentioned," and the Act of the said Legislature passed in the Fourth Year of the Reign of His said late Majesty, and intituled "An Act to amend the Act passed in the Second Year of His Majesty's Reign, for the Erection of Court Houses and Gaols in the Counties of this Province," shall be and the said Acts are hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer, any thing in the said Acts or either of them to the contrary notwithstanding.

And to remove all Doubt with regard to the Effect of the Expiration of the said Acts in the Case herein-after mentioned, be it declared and further ordained and enacted by the Authority aforesaid, That after the Expiration of the said Acts the Property of any Land whereon any Court House or Gaol, or Building intended to serve as such, shall have been erected or commenced under the Provisions of the said Acts or of either of them, or which shall have been conveyed to any Trustees elected or to be elected under such Provisions, or to any Commissioner or Commissioners, or to any Person or Persons whomsoever, as a Site for any such Building as aforesaid, shall, together with such Building or Buildings (if any there be), become the Property of Her Majesty, and be vested in Her Majesty, Her Heirs and Successors for ever, for the

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AND SPECIAL COUNCIL OF LOWER CANADA.

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the public Uses of the Province, as shall also all Property whatsoever, Real or Personal, vested in any such Trustees as aforesaid, or in any Commissioner or Commissioners or other Person or Persons whomsoever, under the Provisions of the said Acts or either of them, in Trust for the Purposes thereof, and for the public Use at the Time of the Expiration thereof.

No. 132.
Erection of Court
Houses and Gaols.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 133.

An Ordinance to continue for a limited Time a certain Act therein mentioned in relation to secret Incumbrances on Lands.

[Passed 30th April 1840.]

No. 133.
Secret Incum-
brances on Lands.

WHEREAS the Act herein-after mentioned has been attended with very salutary Effects, and it is expedient to continue the same; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this said Province, constituted and assembled by virtue of and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Act passed in the Ninth Year of His Majesty King George the Fourth, and intituled "An Act to provide for the more effectual Extinction of secret Incumbrances on Land than was heretofore in use in this Province," which said Act has been since continued in force by other Acts until the First Day of May One thousand eight hundred and forty, when it would otherwise expire, shall be and the said Act is hereby continued and shall remain in force until the First Day of November One thousand eight hundred and forty-five, and no longer.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria,

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No. 133.

Secret Incun-
brances of Lands.

Victoria, by the Grace of God of Great Britain and Ireland Queen,
Defender of the Faith, and so forth, and in the Year of our Lord One
thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance
passed by the Governor of the Province of Lower Canada, by and
with the Advice and Consent of the Special Council for the Affairs of
the said Province, on the Thirtieth Day of April One thousand eight
hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 135.

Providing for the
Defence of the
Province, and regu-
lating the Militia.

No. 135.

*An Ordinance further to continue for a limited Time an Ordinance passed
in the First Year of Her Majesty's Reign, intituled "An Ordinance to
provide for the better Defence of this Province, and to regulate the
Militia thereof."* [Passed 30th April 1840.]

WHEREAS it is expedient to continue for a limited Time the Ordinance
herein-after mentioned, which would otherwise expire on the First Day of
May One thousand eight hundred and forty; be it therefore ordained and
enacted by his Excellency the Governor of this Province of Lower Canada, by
and with the Advice and Consent of the Special Council for the Affairs of this
Province, constituted and assembled by virtue and under the Authority of an
Act of the Parliament of the United Kingdom of Great Britain and Ireland
passed in the First Year of the Reign of Her present Majesty, intituled "An
Act to make temporary Provision for the Government of Lower Canada,"
and also by virtue and under the Authority of a certain other Act of the same
Parliament passed in the Session held in the Second and Third Years of the
Reign of Her present Majesty, intituled "An Act to amend an Act of the
last Session of Parliament for making temporary Provision for the Government
of Lower Canada," and it is hereby ordained and enacted by the Authority of
the said Acts of Parliament, That the Ordinance of his Excellency the Adminis-
trator of the Government of this Province authorized to execute the Com-
mission of the Governor thereof, and of the Special Council for the Affairs
of the said Province, passed in the First Year of Her Majesty's Reign, and
intituled "An Ordinance to provide for the better Defence of this Province,
and to regulate the Militia thereof," shall be and it is hereby continued and
shall remain in force until the First Day of May One thousand eight hundred
and forty-three, and no longer, any thing in the said Ordinance to the contrary
notwithstanding.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in
Special Council under the Great Seal of the Province, at the Govern-
ment House in the City of Montreal, the Thirtieth Day of April, in
the Third Year of the Reign of our Sovereign Lady Victoria, by the
Grace of God of Great Britain and Ireland Queen, Defender of
the Faith, and so forth, and in the Year of our Lord One thousand
eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed
by the Governor of the Province of Lower Canada, by and with the
Advice and Consent of the Special Council for the Affairs of the said
Province, on the Thirtieth Day of April One thousand eight hundred
and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 136.

No. 136.

Indemnification of
Persons having
acted in suppress-
ing unlawful
Assemblies, and
Attainder of Per-
sons sentenced by
Courts-martial.

An Ordinance to render permanent certain Ordinances therein mentioned providing for the Indemnification of Persons who may have acted in the Suppression of unlawful Assemblies or of treasonable Practices, and for the Attainder of Persons against whom Sentences may have been given by Courts-martial. [Passed 30th April 1840.]

WHEREAS it is expedient that the Ordinances herein-after mentioned should be made permanent; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Ordinance of his Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, and of the Special Council for the Affairs of the said Province, passed in the First Year of Her Majesty's Reign, and intituled, "An Ordinance for indemnifying Persons who since the First Day of October One thousand eight hundred and thirty-seven have acted in apprehending, imprisoning, or detaining in custody Persons suspected of High Treason or treasonable Practices, and in the Suppression of unlawful Assemblies, and for other Purposes therein mentioned," and the Ordinance of his Excellency the Administrator of the Government of this Province authorized to execute the Commission of the Governor thereof, and of the Special Council for the Affairs of the said Province, passed in the Second Year of Her Majesty's Reign, intituled "An Ordinance for indemnifying Persons who since the First Day of November One thousand eight hundred and thirty-eight have acted in apprehending, imprisoning, or detaining in custody Persons suspected of High Treason or treasonable Practices, and in the Suppression of unlawful Assemblies, and for other Purposes therein mentioned," and the Ordinance of the Governor of this Province, and of the Special Council for the Affairs thereof, passed in the Second Year of Her Majesty's Reign, intituled "An Ordinance for indemnifying Persons who since the Twenty-first Day of December One thousand eight hundred and thirty-eight have acted in apprehending, imprisoning, or detaining in custody Persons suspected of High Treason or treasonable Practices, and for other Purposes therein mentioned," which said Ordinances would not otherwise, under the Provisions of the Act herein first above cited, remain in force beyond the First Day of November One thousand eight hundred and forty-two, shall be and the said Ordinances are and each of them is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

And be it further ordained and enacted by the Authority aforesaid, That the Ordinance of his Excellency the Administrator of the Government of this Province authorized to execute the Commission of the Governor thereof, and of the Special Council for the Affairs of the said Province, passed in the Second Year of Her Majesty's Reign, intituled "An Ordinance for the Attainder of Persons against whom Sentences or Judgments of Courts-martial shall be given under and by virtue of an Ordinance passed in the Second Year of Her Majesty's Reign, intituled 'An Ordinance for the Suppression of the Rebellion which unhappily exists within this Province of Lower Canada, and for the Protection of the Persons and Properties of Her Majesty's faithful Subjects within the same,'" and of another Ordinance passed in the said Second Year of Her Majesty's Reign, intituled "An Ordinance to declare and define the Period when the Rebellion now unhappily existing in this Province shall be taken and held to cease, and for other Purposes," shall be, and the said Ordinance, which

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No. 136.

Indemnification of
Persons having
acted in suppress-
ing unlawful
Assemblies and,
Attainder of Per-
sons sentenced by
Courts-martial.

would not otherwise under the Provisions of the Act herein first above cited remain in force beyond the First Day of November One thousand eight hundred and forty-two, is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 137.

Administration of
Justice in the Dis-
tricts of Quebec,
Montreal, Three
Rivers, and Saint
Francis.

(Copy.)

No. 137.

An Ordinance to amend and render permanent the Act therein mentioned, passed to facilitate the Administration of Justice in Civil Matters in the Districts of Quebec, Montreal, Three Rivers, and St. Francis.

[Passed 30th April 1840.]

WHEREAS it is expedient to amend and render permanent the Act herein-after mentioned, which has been continued in force by subsequent Acts until the First Day of May One thousand eight hundred and forty, when it would otherwise expire; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament, passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Act of the Provincial Legislature passed in the First Year of the Reign of His late Majesty William the Fourth, and intituled "An Act to facilitate the Administration of Justice respecting Enquêtes in Civil Matters before the Courts of King's Bench for the Districts of Quebec, Montreal, Three Rivers, and the Inferior District of St. Francis," as hereby amended, shall be, and the said Act, so amended as aforesaid, is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act to the contrary notwithstanding.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That the Provincial Judge for the District of St. Francis shall be and is hereby authorized, in all Cases of Trial by Jury in Civil Causes pending before the Court of King's Bench for the said District, to try the Issue of Fact and receive the Verdict of Juries in Vacation, between the Terms of the said Court, on such Days as the said Court shall, during Term, have appointed for that Purpose.

(Signed) C. POULETT THOMSON.

Ordained

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 137.

Administration of
Justice in the Dis-
tricts of Quebec,
Montreal, Three
Rivers, and Saint
Francis.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 139.

An Ordinance to render permanent, with the Amendment made therein by a certain Ordinance, certain Acts of the Legislature of this Province relating to the Establishment of Registry Offices.

[Passed 30th April 1840.]

No. 139.

Establishment of
Registry Offices.

WHEREAS it is expedient to render permanent, with the Amendment herein-after mentioned, the Acts of the Legislature of this Province, also herein-after mentioned, which have been continued in force until the First Day of November One thousand eight hundred and forty-two by a certain Ordinance of his Excellency the Administrator of the Government of this Province authorized to execute the Commission of the Governor thereof, and the Special Council for the Affairs of the said Province, and would otherwise expire on the Day last above mentioned; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Act of Parliament, That the Act of the Legislature of this Province passed in the Tenth and Eleventh Years of the Reign of His Majesty King George the Fourth, and intituled "An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi," as amended by the Acts herein-after mentioned, and the Act of the said Legislature passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled 'An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi,'" as amended by the permanent Act of the said Legislature passed in the Second Year of His said late Majesty's Reign, and intituled "An Act to extend the Period limited by an Act passed in the First Year of His Majesty's Reign, Chapter the Third, for enregistering certain Acts or Deeds in Law, or Instruments in Writing, therein mentioned," and the Act of the said Legislature passed in the Fourth Year of His said late Majesty's Reign, intituled "An Act to extend the Provisions of the Act

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No. 139.
Establishment of
Registry Offices.

to establish Registry Offices, in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi, to Lands held in free and common Soccage in the County of Two Mountains and Acadie," shall be and the said Acts are hereby made permanent, and shall remain in force until repealed or altered by competent Authority; any thing in any Law, Statute, or Ordinance to the contrary notwithstanding.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That the Registry Office to be kept for the County of Stanstead under the Provisions of the Provincial Act herein first above cited shall not be kept at Georgeville in the said County, but shall be kept at Stanstead Plain, also in the said County, as it is ordained and enacted in and by a certain Ordinance of the Governor of this Province and of the Special Council for the Affairs thereof, passed in the Second Year of Her Majesty's Reign, and intituled "An Ordinance to change the Place of the Registry Office for the County of Stanstead," the Provisions of which said Ordinance would not otherwise, under those of the Act of the Imperial Parliament herein-first above cited, remain in force beyond the First Day of November One thousand eight hundred and forty-two.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 140.
Rendering per-
manent certain
Acts.

(Copy.)

No. 140.

An Ordinance to render permanent certain Acts therein mentioned.

[Passed 30th April 1840.]

WHEREAS it is expedient to render permanent the Acts of the Provincial Legislature herein-after mentioned; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Act of the Provincial Legislature passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to revive, amend, and continue for a limited Time a certain Act concerning the Police of William Henry and other Villages," and the Act revived, amended, and continued by the said last-mentioned Act, and passed in the Fourth Year of the Reign of His late Majesty King George the Fourth,

and intituled "An Act to repeal a certain Act therein mentioned, and to provide for the Police of the Borough of William Henry, and certain other Villages in this Province," so amended as aforesaid, shall be and the said Acts are hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

No. 140.

Rendering per-
manent certain
Acts.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Legislature of this Province passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled "An Act more effectually to provide for the Maintenance of good Order in Churches, Chapels, and other Places of public Worship, and for other Purposes therein mentioned," which said Act has since been continued in force by other Acts of the said Legislature until the First Day of May One thousand eight hundred and forty, when it would otherwise expire, shall be and the said Act is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act or in any other Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, and intituled "An Act to increase the Number of Assessors for the Cities of Quebec and Montreal," shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act passed in the Second Year of His late Majesty King William the Fourth, and intituled "An Act to compel Wharfingers and others to advertise unclaimed Goods in their Possession," shall be and the said Act is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to make Provision for indemnifying Pilots while detained in Quarantine," shall be and the said Act is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to authorize the Sale and Disposal of certain Goods unclaimed, and remaining in the Possession of the Clerks of the Peace in this Province," shall be and the said Act is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing therein contained to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act for making certain Regulations respecting the Office of Sheriff," shall be and the said Act is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to prevent the fraudulent Seizure and Sale of Lands and other Real Property within this Province," shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to repeal certain Acts therein mentioned, and to consolidate the Provisions therein made for the Encouragement of useful Arts in this Province," shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act to the contrary notwithstanding.

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No. 140.

Rendering per-
manent certain
Acts.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to regulate the Measurement of Coal," shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act to afford Relief during a limited Time to Insolvent Debtors," shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Act to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature made and passed in the Sixth Year of the Reign of His late Majesty, intituled "An Act to provide less expensive Means for the Recovery of Wages due to Seamen of Vessels belonging to or registered in this Province," which would otherwise expire on the First Day of November One thousand eight hundred and forty-two, to which Day it has been continued by an Ordinance of his Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, and of the Special Council for the Affairs of the said Province, passed in the First Year of Her Majesty's Reign, shall be and the said Act of the Provincial Legislature is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Legislature of this Province passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act for the Transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land," which would otherwise expire on the First Day of November One thousand eight hundred and forty-two, to which Day it has been continued by an Ordinance of his Excellency the Administrator of the Government of this Province authorized to execute the Commission of the Governor thereof, and of the Special Council for the Affairs of the said Province, passed in the First Year of Her Majesty's Reign, shall be and the said Act is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

And be it further ordained and enacted by the Authority aforesaid, That the Act of the Provincial Legislature made and passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, and intituled "An Act for the more easy and less expensive Decision of Differences between Masters and Mistresses and their Servants, Apprentices, and Labourers, in the Country Parts of this Province," shall be and the said Act is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

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No. 141.

No. 141.

Notaries in Inferior
District of Gaspé.

An Ordinance to provide permanently for the Want of Notaries in the Inferior District of Gaspé, and to remove the Doubts therein mentioned.
[Passed 30th April 1840.]

WHEREAS in and by the Tenth Section of a certain Act made and passed in the Fourth Year of the Reign of His Majesty King George the Fourth, intituled "An Act to render valid certain Acts, Agreements in Writing, and Contracts of Marriage, Contrats de Mariage sous Seing Privé, heretofore executed in the Inferior District of Gaspé, and to provide for the Want of Notaries in the said Inferior District," it is enacted, that certain Deeds and Acts, and legal Instruments and Documents in Writing, therein specified, shall, if executed in the said Inferior District within the Period and in the Manner provided by the said Section, and if all the Provisions and Requirements thereof be complied with in regard to the same, have the same Effect in certain respects therein mentioned as if the same had been executed before Notaries: And whereas the Period so fixed by the said Act was intended to be extended by divers other Acts until the First Day of May One thousand eight hundred and thirty-five, when it expired, and was afterwards again intended to be renewed and extended by the Act passed in the Sixth Year of the Reign of His late Majesty, intituled "An Act further to provide during a limited Time for the Want of Notaries in the Inferior District of Gaspé," from the Day of the passing of the said Act until the First Day of May One thousand eight hundred and forty, but it was in effect provided in and by the said last-mentioned Act that the Extension of the Period in the said Section mentioned should cease whenever there should be Notaries Public resident and practising at Carleton, New Richmond, and New Carlisle, in the County of Bonaventure, and at Percé and La Grande Grève, or Gaspé Basin, in the County of Gaspé: And whereas Doubts have arisen and may arise as to the true Intent and Meaning of the Provision last above cited, and as to the legal Construction of the Terms used in the Acts whereby the said Period was intended to be extended as aforesaid: And whereas divers Deeds, Acts, and legal Instruments and Documents in Writing may have been executed in the Manner by the said Section provided, between the First Day of May One thousand eight hundred and thirty-five and the passing of the Act herein last above cited, to which it is desirable to give Effect as if the same had been so executed during the Period in the said Section mentioned; therefore, and to remove all such Doubts as aforesaid, and to make permanent Provision for the Want of Notaries in the said Inferior District, be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of the said Acts of Parliament, That any Will, Act, or Agreement in Writing, Inventory, Partage, Donation, or Contract of Marriage, Contrat de Mariage, which may or shall have been executed within the said Inferior District of Gaspé between the Time of the passing of the Provincial Act herein first above cited and the First Day of May One thousand eight hundred and forty, in the Manner prescribed by the Tenth Section of the Act last mentioned, and with regard to which all the Requirements of the said Section may or shall have been complied with, has borne and shall bear Hypothec, and has had and shall have the same legal Effect, according to its Tenor, as if it had been executed before Notaries, and shall, as well as the Copies thereof duly certified, be taken and received as sealed and authentic in all Her Majesty's Courts of Law in this Province as if executed before Notaries; any Law, Statute, or Usage to the contrary notwithstanding.

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And

No. 141.

Notaries in Inferior
District of Gaspé.

And be it further ordained and enacted by the Authority aforesaid, That any Will, Act, or Agreement in Writing, Inventory, Partage, Donation, or Contract of Marriage, executed within the said Inferior District of Gaspé after the said First Day of May One thousand eight hundred and forty, in the Manner prescribed by the said Tenth Section of the Act last mentioned, and with regard to which all the Requirements of the said Section shall have been complied with, shall bear Hypothec, and shall have the same legal Effect according to its Tenor as if it had been executed before Notaries, and shall, as well as the Copies thereof duly certified, be taken and received as valid and authentic in all Her Majesty's Courts of Law in this Province as if executed before Notaries: Provided always, that this Section shall have no Force or Effect with regard to any Will, Act, or Agreement in Writing, Inventory, Partage, Donation, or Contract of Marriage, so executed, if there shall have been Two Notaries resident and practising in the County in which the same shall have been executed at the Time of the Execution thereof and during Two Months before that Time; but the Proof that there were Two Notaries so residing and practising shall in all Cases lie upon the Party disputing the Validity of any such Act or Instrument as aforesaid; and if such Proof be not adduced, it shall be held and considered that there were not Two Notaries so resident and practising at the Time such Act or Instrument was executed.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 142.

Administration of
Justice in Inferior
District of Gaspé.

No. 142.

An Ordinance to render permanent certain Acts therein mentioned relating to the Administration of Justice in the Inferior District of Gaspé.

[Passed 30th April 1840.]

WHEREAS it is expedient to render permanent the several Acts of the Provincial Legislature herein-after mentioned; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted

enacted by the Authority of the said Acts of Parliament, That a certain Act passed in the Second Year of the Reign of His Majesty King George the Fourth, Chapter Five, intituled "An Act to extend the Provisions of a certain Act therein mentioned as far as the same relates to the Judicature of the Inferior District of Gaspé, and more effectually to provide for the due Administration of Justice in the said District," as amended by the Acts herein-after mentioned, and a certain other Act passed in the Fourth Year of the Reign of His said Majesty, Chapter Seven, intituled "An Act to amend a certain Act therein mentioned, and further to extend the Jurisdiction of the Provincial Court of the Inferior District of Gaspé," as amended by the Acts herein-after mentioned, and a certain other Act passed in the Sixth Year of the Reign of His said Majesty, Chapter Twenty-five, intituled "An Act to amend and continue for a limited Time Two certain Acts therein mentioned relating to the Judicature in the Inferior District of Gaspé," as amended by the Act herein-after mentioned, and a certain other Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to continue and amend certain Acts relating to the Judicature of the Inferior District of Gaspé," which said Acts have since been continued in force by other Acts of the Provincial Legislature, and by an Ordinance of the Governor of this Province and of the Special Council for the Affairs thereof, passed in the Second Year of Her Majesty's Reign, Chapter Twenty, until the First Day of November One thousand eight hundred and forty-two, when they would otherwise expire, shall be, and the said Acts, so amended as aforesaid, are hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in any of the Acts or in the said Ordinance to the contrary notwithstanding.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 143.

An Ordinance to render permanent certain Acts of the Legislature of this Province relative to the District of Saint Francis.

[Passed 13th April 1840.]

WHEREAS it is expedient to render permanent the Acts of the Legislature of this Province herein-after mentioned, which have been continued in force by a certain Ordinance of his Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, and of the Special Council for the Affairs of the said Province, passed in the First Year of Her Majesty's Reign, intituled "An Ordinance to continue for a limited Time certain Acts of the Legislature of this Province relative to the District of Saint Francis," until the First Day of November One thousand eight

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No. 142

Administration of
Justice in Inferior
District of Gaspé.

No. 143.

Rendering per-
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Acts relative to
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St. Francis.

No. 143.

Rendering per-
manent certain
Acts relative to
the District of
St. Francis.

hundred and forty-two, when they would otherwise expire; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue of and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Act of the Legislature of this Province passed in the Third Year of the Reign of His late Majesty King George the Fourth, and intituled "An Act to erect certain Townships therein mentioned into an Inferior District, to be called the District of Saint Francis, and to establish Courts of Judicature therein," as amended by the Acts herein-after mentioned, and the Act of the said Legislature passed in the Tenth and Eleventh Years of the Reign of His said late Majesty, intituled "An Act to continue for a limited Time a certain Act passed in the Third Year of His Majesty's Reign, intituled 'An Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis, and to establish Courts of Judicature therein,' and to make further Provision for the due Administration of Justice in the said District," as amended by the Acts herein-after mentioned, and the Act of the said Legislature passed in the Second Year of the Reign of His said Majesty King William the Fourth, intituled "An Act to make better Provision with regard to Appeals from the Provincial Court of the Inferior District of Saint Francis, to establish Circuits therein, and to extend the Benefit of the Trial by Jury to the said Inferior District," as amended by the Act herein-after mentioned, and the Act of the said Legislature passed in the Third Year of the Reign of His said late Majesty, intituled "An Act further to continue for a limited Time, and to amend, a certain Act therein mentioned relating to the Inferior District of Saint Francis," shall be and the said Acts are hereby made permanent, and shall remain in force until repealed or altered by competent Authority, any thing in the said Acts or Ordinance to the contrary notwithstanding

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Thirtieth Day of April, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Thirtieth Day of April One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

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No. 144.

No. 144.

Administration of
Justice in Civil
Causes and Matters
involving small
pecuniary Value.

An Ordinance to provide for the easy and expeditious Administration of Justice in Civil Causes and Matters involving small pecuniary Value and Interest throughout this Province.

[Passed 25th June 1840.]

WHEREAS it is expedient and necessary to provide for the efficient Administration of Justice in Civil Causes and Matters involving small pecuniary Value and Interest, by the Establishment of limited local Jurisdictions throughout this Province, to which easy Access may be afforded to Her Majesty's Subjects, for the Attainment of Justice in such Cases expeditiously and at little Expense; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the same, That this Province of Lower Canada shall, for the Purposes of Judicature and of this Ordinance, be divided into such Number of Districts as by the Governor of this Province, by and with the Advice of the Executive Council for the same, shall be deemed fit and expedient; and to this end it shall be lawful for the said Governor, with such Advice as aforesaid, on or before the First Day of December now next ensuing, to issue a Proclamation under the Great Seal of this Province, whereby this Province shall be divided into such Districts as aforesaid, and the Limits of such Districts shall be fixed and appointed.

And be it further ordained and enacted, That in the said several Districts into which this Province shall be divided as aforesaid there shall be a Court of Record of Civil Jurisdiction, to be called the District Court, which Court shall be held by and before the Sheriff of each of the said Districts, or his Deputy, at such Places in the said Districts respectively as the Governor of this Province, in his said Proclamation to be issued as aforesaid, shall appoint.

And be it further ordained and enacted, That it shall be lawful for the Governor of this Province for the Time being to appoint a Sheriff for each and every of the said Districts in which a Court is established as aforesaid, and from Time to Time to remove such Sheriffs, and appoint others in the Places of such of them as may be removed, or may die, or resign their Offices.

And be it further ordained and enacted, That the said District Courts to be held as aforesaid shall severally have Cognizance of, and full Power, Jurisdiction, and Authority to hear, try, and determine, in a summary Manner, all Civil Suits or Actions (those purely of Admiralty Jurisdiction excepted) wherein the Sum of Money, or the Value of the Thing demanded, shall not exceed Twenty Pounds Sterling: Provided always, and be it further enacted, that if any such Suit or Action shall relate to any Fee of Office, Duty, or Rent, Revenue, or any Sum of Money payable to Her Majesty, Titles to Lands or Tenements, Annual Rents, or such like Matters or Things, where the Rights in future may be bound, it shall be lawful for the Defendant or Defendants, before making his or their Defence to any such Action, to make and tender an Exception to the Jurisdiction of the said Court, and thereby require that the said Action be removed and carried to Hearing, Trial, and Judgment, in the Superior Terms of the Court of Common Pleas of this Province, in the Division thereof that may sit in the Territorial Division in which such District Court shall be established; and every such Exception shall be filed and entered of Record, and the said Action shall thereupon be removed into the Superior Terms of the said Court of Common Pleas; which last-mentioned Court shall proceed to determine, in a summary Manner, whether the said Exception be well founded; and if the said last-mentioned Court should maintain the said Exception, and adjudge the same to be well founded, Proceedings shall there-

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Administration of
Justice in Civil
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pecuniary Value.

upon be had, in the said last-mentioned Court, to Trial, Judgment, and Execution, according to the Rules of the said last-mentioned Court; and if the said Exception should be over-ruled, the said Action shall be remitted to the said District Court, there to be heard, tried, and finally determined.

And be it further ordained and enacted, That no Person shall be appointed by any Sheriff of a District to be or act as the Deputy of such Sheriff in pursuance of and under the Authority of this Ordinance, unless such Person be, at the Time of his Appointment as aforesaid, an Advocate of Five Years standing at the Bar in this Province, and unless he shall first have been approved by the Governor of this Province for the Time being.

And be it further ordained and enacted, That every Sheriff of a District and every Deputy Sheriff shall, within Ten Days after his Appointment, and before proceeding to exercise any Authority under this Act, take the following Oath, before one of the Justices of the Court of Queen's Bench or Common Pleas for this Province, who is hereby authorized to administer the same; that is to say,

' I A.B. do swear, That I will well and truly, according to the best of my Skill and Knowledge, fulfil and execute the Trust, Powers, and Authority vested in me as Sheriff of the District of [or Deputy Sheriff, as the Case may be,] by an Ordinance or Law passed in the Year of Her Majesty's Reign, intituled "An Ordinance to provide for the easy and expeditious Administration of Justice in Civil Causes and Matters involving small pecuniary Value and Interest throughout this Province," and that I will not deny or delay Justice, and will not by myself, or knowingly by any other Person or Persons, receive or take, or cause or permit or suffer to be received or taken, any greater or other Fees in my said Office than such as are directed to be taken in and by the said Ordinance or Law. So help me God.'

Which Oath shall be reduced to Writing, and signed by such Sheriff or Deputy Sheriff, and, being attested by the Justice before whom it shall be taken, shall be filed and enregistered in the first District Court to be held by such Sheriff or Deputy Sheriff, after taking the same.

And be it further ordained and enacted, That it shall and may be lawful for the Sheriffs of the said several Districts in which a District Court is established as aforesaid, or their Deputies respectively, to hold such District Courts as aforesaid, at the Places to be appointed by the Governor of this Province as aforesaid, on the first Six Judicial Days of each and every Month in each and every Year, save and except in the Districts in which the Cities of Quebec and Montreal shall be situated, in which last-mentioned Districts respectively it shall be lawful for the Sheriffs thereof, or their Deputies respectively, to hold such District Courts on the first Ten Judicial Days of each and every Month in each and every Year.

And be it further ordained and enacted, That the Sheriffs of the said Districts, or their Deputies respectively, shall from Time to Time appoint a sufficient Number of responsible, fit, and proper Persons to be and act as Bailiffs for the Service and Execution of the Process of the said District Courts respectively, which Bailiffs shall be removeable by the said Sheriffs or their Deputies for culpable Neglect or Misconduct, and shall be entitled, while engaged in the said Office, to the Fees and Emoluments specified in the Second Schedule to this Ordinance subjoined, and no other or greater Fees or Emoluments shall be taken or received by them or any of them.

And be it further ordained and enacted, That every Person to be appointed a Bailiff as aforesaid, before he shall act as such, shall enter into a Bond with Two Sureties to Her Majesty, Her Heirs and Successors, in the Penalty of Two hundred Pounds, conditioned for the due Performance of the Duties of the said Office; and it shall be incumbent on the said Sheriffs of the said Districts, or their Deputies respectively, to inquire and ascertain when such Sureties may die or become insolvent, and in such Case or Cases to require such Bailiffs to give other and further Security as aforesaid, and the Bond and Bonds so given shall stand and be as and for a Security to the Amount thereof for the Damages which may be sustained by any Person or Persons by reason of the culpable Negligence or Misconduct of any such Bailiff.

And be it further ordained and enacted, That the said District Courts hereby established shall severally have and use, as Occasion may require, a Seal bearing a Device and Impression of Her Majesty's Royal Arms, with an

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Inscription thereon expressing that it is the Seal of the particular District Court to which it may belong, which Seal shall be kept in the Custody of the Sheriff of the District in which every such District Court shall be held, or of his Deputy; and all Precepts, Writs, and Processes to be issued from the said District Courts respectively shall run and be in the Name and Style of Her Majesty, Her Heirs or Successors, and shall be sealed with the Seal of the District Court from which the same shall issue, and shall bear the Attestation of the Sheriff of the District in which such District Court shall be held, or his Deputy, and shall be signed by the Clerk of the said District Court whose Duty it shall be to prepare and make out the same.

And be it further ordained and enacted, That in all Actions to be brought in the said District Courts hereby established, the first Process to be issued for bringing the Defendant before the said Courts to answer such Actions shall be a Summons, in which shall be briefly stated the Cause of Action of the Plaintiff, which Summons may be in the Form contained in the First Schedule to this Ordinance subjoined.

And be it further ordained and enacted by the Authority aforesaid, That the said Summons to be issued as aforesaid shall be served at least Six Days before the Day fixed for the Return thereof, in the same Manner as is by Law required for the Service of a Summons issuing out of Her Majesty's Superior Courts of Civil Jurisdiction in this Province in Actions instituted therein.

And be it further ordained and enacted, That if there be Two or more Defendants in any such Action, it shall be sufficient, to give Jurisdiction over all the Defendants to the District Court in which such Action may be brought, that any One of the said Defendants be domiciliated, or have been legally served with Process, within the District in which such Court shall be established: Provided always, that all the said Defendants be served with such Process.

And be it further ordained and enacted, That if the Defendant in any such Action should not appear personally, or by his Attorney or Agent, on the Day fixed for the Return of the said Summons, his Default shall be recorded, and it shall be lawful for the said District Courts respectively, after due Proof of the Service of the said Summons on the Defendant, in a summary Manner to receive Evidence and hear the Plaintiff in support of his Demand in such Action, and thereupon make and render such Judgment as Law and Justice may require; and if the Defendant should appear in any such Action, and the Plaintiff should not appear personally, or by his Attorney or Agent, or appearing should not prosecute his Action, or prosecuting it should fail in establishing his Demand, such Action shall be dismissed with Costs to the Defendant against the Plaintiff; and if the Plaintiff in any such Action should establish his Demand, he shall be entitled to recover the Sum of Money or Thing by him demanded, with Costs against the Defendant.

And be it further ordained and enacted, That all and every the Issue and Issues of Fact joined in any Action instituted in and cognizable by the said District Courts hereby constituted, wherein the Sum of Money or Value of the Thing demanded shall exceed Ten Pounds Sterling, may be tried and determined, and Damages thereon assessed, by the Verdict of a Jury, at the Option and Choice of any or either of the Parties in any such Action; and the Trial by Jury, when so chosen and required, shall be had, and the Verdict of the Jury rendered and taken, in conformity with the Provisions of Law by which Trials by Jury in the Cases wherein they are now allowed in Her Majesty's Courts of Civil Jurisdiction in this Province are regulated, and in like Manner as such Trials are now had, in so far as the Provisions aforesaid are applicable to the said District Courts, except in the Particulars which are differently regulated by this Ordinance.

And be it further ordained and enacted, That, for the Trial of Issues of Fact and the Assessment of Damages thereon in the said District Courts respectively, in Cases where Trial by Jury shall be chosen as aforesaid, and appointed by the Court, it shall be lawful for the Sheriff of each and every District in which a District Court is established as aforesaid, or his Deputy, at such Times as it may by him be deemed necessary, to issue his Precept to one of the Bailiffs of any such District Court, requiring him to summon, and such Bailiff shall and is hereby required, on the Receipt of such Precept, to summon not less than Twenty-four nor more than Thirty-six Jurors living within the District, to be and appear before the said District Court on a Day in such

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Precept to be appointed, from whom a Jury shall be taken for the Trial of each of the Issues of Fact, in respect of which Trial by Jury shall have been chosen as aforesaid, and appointed by the Court; and each Juror for the Trial of every Issue as aforesaid shall be entitled to receive One Shilling and no more for his Service, to be paid by the Plaintiff, and included in the subsequent Taxation of Costs, if Costs should be awarded to him.

And be it further ordained and enacted, That the Clerks of the said District Courts respectively shall make a List of the Jurors summoned as aforesaid, with their Places of Abode and Additions, and shall cause their Names to be written severally on Slips of Paper and put into a Box; and the Names of the Jurors for the Trial of Causes in the said District Courts shall be drawn out of the Box by the Clerks of such District Courts respectively, and each Party may, until no more than Twelve remain, object to any Person whose Name shall be drawn out, without assigning any Cause; and if any Objection be made to the Twelve so remaining, the same shall be allowed or overruled as by such Court may be deemed legal and proper; and if any such Objection be allowed, the Names of the Jurors rejected without Cause assigned shall be returned to the Box, and drawn again, until a sufficient Number be found to make a Jury of Twelve, and such Jury of Twelve shall be the Jury sworn for the Trial: Provided always, that if there shall not be Twelve Persons attending as Jurors, or against whom no Objection shall have been allowed, it shall be lawful for every such Court to order the requisite Number of Persons, from among the By-standers, to be summoned, by the Clerk of such Court, and sit on the said Jury, subject to any Objections which may be made, or Causes assigned, except for Want of Qualification or Want of Summons.

And be it further ordained and enacted, That it shall be lawful for every such District Court, if it shall see fit, to direct the Clerk of such Court to divide the List of the Jurors summoned as aforesaid into Two Lists, and to require the Persons in the One List to attend and serve for so many Days, at the Beginning of the Sittings, as the said Court shall order, and those in the other List to attend and serve for the Residue of the Sittings, according as the said Court shall think fittest for the Convenience of the said Jurors.

And be it further ordained and enacted, That it shall be lawful for the said District Courts respectively, after a Verdict in any Suit or Suits therein depending, to grant a new Trial, or arrest Judgment, in such Suit or Suits, for sufficient legal Cause.

And be it further ordained and enacted, That it shall be lawful for the Sheriff, or his Deputy, by whom any such District Court shall be held as aforesaid, in any Action depending in the said Court, to authorize and require the Examination of any or either of the Parties on Interrogatories on Facts and Articles (Faits et Articles), or on the Juramentum Litis Decisorium, or on the Juramentum Judiciale, in the same and like Cases and Circumstances in which such Examinations may lawfully be required and had in other Her Majesty's Courts of Civil Jurisdiction in this Province, and under and subject to the Rules of Law in such Cases provided; and in like Manner to issue Commissions Rogatories, or Commissions in the Nature of Commissions Rogatories, for the Examination of Witnesses not resident within the District in which such District Court shall be held, in the same and like Cases and Circumstances in which such Commissions may lawfully be issued by other Her Majesty's Courts of Civil Jurisdiction in this Province, and under and subject to the Rules of Law in such Cases provided.

And be it further ordained and enacted, That it shall be lawful for the Sheriffs of the several Districts in which a District Court is established as aforesaid, and their Deputies respectively, in Civil Causes and Matters legally cognizable in such District Courts, to issue Writs of Attachment, Saisie Arrêt, Saisie Gagerie, and Saisie Revendication, to be made returnable in the said District Courts respectively, in the same and like Cases and Circumstances in which such Writs may lawfully be issued from and be made returnable in other Her Majesty's Courts of Civil Jurisdiction in this Province, and under and subject to the Rules of Law in such Cases provided.

And be it further ordained and enacted, That in every Case where Judgment shall be rendered by any such District Court as aforesaid awarding or adjudging the Payment of any Sum or Sums of Money, it shall and may be lawful for the Sheriff, or his Deputy, by whom such District Court shall be

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held, at the Expiration of Eight Days after the rendering of any such Judgment, to issue a Precept under his Hand and the Seal of the said Court, in the Nature of a Writ of Fieri facias, against Goods and Chattels, which Precept shall be directed to any of the Bailiffs of the said District Court in which such Judgment shall have been rendered, who is hereby authorized to levy the Sum or Sums of Money mentioned in such Precept upon and from the Goods and Chattels of the Party against whom such Judgment shall have been rendered, in the same Manner and according to the same Rules and Regulations of Law by and under which any Sheriff may levy Money by virtue of a Writ of Fieri facias issuing out of Her Majesty's Courts of Civil Jurisdiction in this Province.

And be it further ordained and enacted, That in all Actions in which the Sum of Money or the Value of the Thing demanded shall be above Ten Pounds Sterling, and shall not exceed Twenty Pounds Sterling, and in which neither of the Parties shall make the Option of Trial by Jury, it shall not be necessary to reduce the Depositions of the Witnesses examined in any such Action to Writing, but the said Witnesses shall be examined viva voce in open Court, and sufficient Notes of their Evidence shall be taken in Writing by the Sheriff or his Deputy by and before whom such District Court as aforesaid shall be held, in like Manner as Notes are taken by a Judge presiding at a Trial by Jury, which Notes shall be kept and preserved by such Sheriff or his Deputy, to answer the Purposes of Justice in the event of an Appeal from the Judgment, to be rendered in any such Action as herein-after provided.

And be it further ordained and enacted, That an Appeal shall lie from the Judgments of the said District Courts hereby constituted to the Court of Common Pleas for this Province in the Division thereof sitting in the Territorial Division in which any such District Court shall be established, in all Suits and Actions in which the Sum of Money or the Value of the Thing demanded shall be above Ten Pounds Sterling, and shall not exceed Twenty Pounds Sterling, and in which neither of the Parties shall have made the Option of Trial by Jury.

Provided always, and be it further ordained and enacted, That the Party desirous of appealing from any such Judgment as aforesaid shall, within Ten Days after the rendering of the same, make known to the Sheriff of the District, or his Deputy, by and before whom such Judgment shall have been rendered, his Intention to appeal from the same, and shall at the same Time give good and sufficient Security, to the Satisfaction of such Sheriff or his Deputy, that he will effectually prosecute the said Appeal, and answer the Condemnation, and also pay such Cost and Damages as shall be awarded by the said Court of Common Pleas if the Judgment appealed from should be affirmed.

And be it further ordained and enacted, That for the Purpose of obviating Delay and Expense in the Prosecution of such Appeals from the Judgments of District Courts as aforesaid, the said Appeals shall be prosecuted, and Proceedings thereon had in a summary Manner, by Petition of the Appellant to the said Court of Common Pleas in the Division thereof to which such Appeal shall lie as aforesaid, setting forth succinctly the Grounds of Appeal, and praying for the Reversal of the Judgment appealed from, and the rendering of such Judgment as by the Court below ought to have been rendered, a Copy of which Petition, with a Notice of the Time at which it is to be presented, shall be served on the adverse Party or Parties, or his or their Attorney or Attorneys, within Fifteen Days from the tendering of any such Judgment so appealed from; and the said Petition shall be presented on the First Day of the Term of the said Division of the said Court of Common Pleas next succeeding the rendering of any such Judgment, if there shall be an Interval of Twenty Days between the rendering of such Judgment and the said First Day of the said Term, and if not then on the Day of the said Term next following the Expiration of such Interval.

And be it further ordained and enacted, That it shall be the Duty of the Sheriff or his Deputy, by and before whom any Judgment appealed from as aforesaid shall have been rendered, within Fourteen Days after the giving of Security on any Appeal as aforesaid, to certify, under the Seal of the District Court held by him, to the Division of the Court of Common Pleas to which such Appeal may lie, and cause to be filed in the Office of the Prothonotary of such Division, the Judgment, Record, and Proceedings to which such Appeal

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shall relate, together with the Notes of the Evidence which may have been taken in any such Case as aforesaid, to the end that Hearing and Judgment on every such Appeal may be had and obtained without Delay.

And be it further ordained and enacted, That after the filing of such Petition by and on the Part of the Appellant as aforesaid, and the Transmission of the Judgment, Record, and Proceedings, and Notes of Evidence as aforesaid, every such Appeal shall, without any other or further Formality, be summarily heard, and Judgment thereon rendered as to Law and Justice may appertain.

And be it further ordained and enacted, That the Judgments to be rendered by the said Court of Common Pleas on Appeals from the District Courts as aforesaid shall be final and conclusive, and from such Judgments no other or further Appeal shall lie.

And be it further ordained and enacted, That in any Action which shall or may be brought in the said District Courts, in which the Sum of Money or the Value of the Thing demanded shall exceed Ten Pounds Sterling, it shall be lawful for the said Courts respectively in their Discretion, when they may deem it expedient or proper for the Ends of Justice, to require the Plaintiffs in such Actions, at or after the Return of the Summons therein, to file a Declaration setting forth in a sufficient Manner the Grounds and Causes of Action of such Plaintiffs, to which Declaration the Defendant in every such Action shall be held to plead, and on which other and further Proceedings shall be had in due legal Course.

And be it further ordained and enacted, That the said District Courts respectively, and the said Sheriffs and Deputy Sheriffs respectively, as well in Court as out of Court, shall have the same Power and Authority within the said Districts respectively as any Judge of the Court of Common Pleas for this Province in the several Divisions of the said Court hath and may lawfully exercise in what respects the Election and Appointment of Tutors or Guardians and Curators, and the taking of the Counsel and Opinion of Relations and Friends, in Cases where the same are by Law required to be taken, the closing of Inventories, Attestations of Accounts, Insinuations, affixing and taking off Seals of safe Custody, and other Acts of the same Nature requiring Despatch.

And be it further ordained and enacted, That the Sheriffs of the said District Courts, and their Deputies respectively, shall not, during their Continuance in Office, practise as Advocates, Proctors, or Attornies; and the Clerks of the said Courts respectively shall not, while they hold their said Offices, practise as Advocates, Proctors, or Attornies, in any such Courts, or in any other Court of Law in this Province.

And be it further ordained and enacted, That in all Actions and Proceedings in the said District Courts respectively, and under their Authority, the Fees specified in the Second Schedule to this Ordinance subjoined shall be deemed and taken to be the lawful Fees for the Discharge of the several Duties therein mentioned, and no other Fees or Emoluments shall be received or taken upon any Pretence whatever for any Act or Service done or performed under the Authority of this Ordinance; and if any Officer or Person shall receive any other or greater Fee, Emolument, or other Consideration than is specified in the said Schedule, for the Duties aforesaid, or any of them, or for any Act or Service done or performed as aforesaid, he shall forfeit and pay the Sum of Twenty Pounds Sterling for every such Offence, which Penalty shall and may be recovered in such District Courts respectively, or in any Court of Record in this Province, one Half of which Penalty shall belong to Her Majesty, Her Heirs and Successors, and the other Half thereof to the Person who shall sue for the same.

And be it further ordained and enacted, That every Clerk of a District Court established as aforesaid shall cause to be continually exposed, as well in his Office as also in some conspicuous Place in the Hall or Apartment in which such District Court shall be held, a fair and legible Table of the Fees aforesaid payable in all Actions and Proceedings in the said District Court, and likewise the Penalty to which any Person may become liable for receiving any other or greater Fee than is set forth in the said Schedule, and in default of so doing shall be deemed and held to be guilty of a Misdemeanor, and be punished accordingly.

And be it further ordained and enacted, That from and after the passing of this Ordinance the Offices of Sheriffs for the Districts of Quebec, Montreal,

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Three Rivers, and Saint Francis, and for the Inferior District of Gaspé, shall be and they are hereby abolished; and all and every the Powers and Duties which might lawfully be exercised and performed by the said Sheriffs respectively within the respective Districts and Inferior Districts aforesaid shall and may be exercised and performed by the Sheriffs of the Districts into which this Province shall be divided by Proclamation as aforesaid, in like Manner as the same might, up to the Time of the passing of this Ordinance, be exercised and performed by the said Sheriffs of the said Districts of Quebec, Montreal, Three Rivers, and Saint Francis, and of the said Inferior District of Gaspé, respectively, within the same; and all Writs and Process issuing out of the Courts of Judicature in this Province which, up to the Time of the Commencement of this Ordinance, ought to be directed to and executed by the Sheriffs of the said last-mentioned Districts and Inferior District respectively, shall thenceforward be directed to and executed by the Sheriffs of the said respective Districts into which this Province shall be divided by Proclamation as aforesaid.

And be it further ordained and enacted, That it shall be lawful for the Governor of this Province, on any Claim which may be made by any of the Persons holding Offices which will become and be abolished under the Provisions of this Ordinance, for Compensation for Loss by reason of such Abolition of the said Offices, to determine, by and with the Advice of the Executive Council of this Province, whether such Claim have or have not a reasonable Foundation, and if such Claim be admitted to be well founded and just, to assess and award thereupon such Compensation as by the said Governor, with such Advice as aforesaid, may be deemed reasonable and proper, regard being had to the Tenure under which the said Offices have been held, and to the Appointment which might be made of the said Persons if qualified to Offices of a similar Nature to be filled under the Provisions of this Ordinance, and to all such Circumstances as may and ought to be considered in relation to such Claim; and the Compensation that may be assessed and awarded as aforesaid shall be paid out of any of the unappropriated Monies for public Uses in the Hands of the Receiver General of this Province.

And be it further ordained and enacted, That a certain Act of the Legislature of this Province passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the summary Trial of small Causes," and also a certain Ordinance made and passed by the Governor of this Province, by and with the Advice of the Special Council for the Affairs thereof, in the Second Year of Her Majesty's Reign, intituled "An Ordinance to establish Circuit Courts of Requests in the Districts of Quebec, Montreal, and Three Rivers, and for other Purposes," shall from and after the Commencement of this Ordinance be and the same are hereby repealed.

And be it further ordained and enacted, That the Registers, Muniments, recorded official Acts and Papers, judicial and other Proceedings of the Circuit Courts of Requests in the several Districts of Quebec, Montreal, and Three Rivers, shall forthwith after the Period appointed for the Commencement of this Ordinance be transmitted into and make Part of the Records, Registers, Muniments, and judicial and other Proceedings of the Court of Common Pleas for this Province, in the Inferior Terms thereof; that is to say, all the Registers, Muniments, recorded official Acts and Papers, judicial and other Proceedings of the Circuit Court of Requests for the District of Quebec, shall be transmitted into the Court of Common Pleas for this Province in the Division thereof appointed to sit in the Territorial Division of Quebec; and all the Registers, Muniments, recorded official Acts and Papers, judicial and other Proceedings of the Circuit Court of Requests for the Districts of Montreal and Three Rivers, shall be transmitted into the said Court of Common Pleas in the Division thereof appointed to sit in the Territorial Division of Montreal.

And be it further ordained and enacted, That no Judgment, Order, Rule, or Act of the said respective Circuit Courts of Requests, legally pronounced, had, or done before the Period appointed for the Commencement of this Ordinance, shall be hereby avoided, but shall remain in full Force as if this Ordinance had not been passed; nor shall any Action, Suit, Cause, or Proceeding depending in the said Circuit Courts of Requests respectively be abated, discontinued, or annulled, but the same shall be transferred in their present Condition respectively to and subside

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and depend in the several and respective Divisions of the said Court of Common Pleas into which the Registers, Muniments, recorded official Acts and Papers, judicial and other Proceedings of the said Circuit Courts of Requests, are to be transmitted as aforesaid; and other and further Proceedings shall be thereon had in the said respective Divisions of the said Court of Common Pleas, in the Inferior Terms thereof, to Judgment and Execution, as might have been had in the said Circuit Courts of Requests respectively, or in the Inferior Terms of the said Divisions of the said Court of Common Pleas, in Causes or Proceedings commenced and depending before the said Court of Common Pleas in the said Inferior Terms thereof.

Provided always, and be it further ordained and enacted, That nothing in this Ordinance contained shall derogate from or in any Manner abridge or affect the Prerogative of the Crown to erect, constitute, and appoint Courts of Civil and Criminal Jurisdiction within this Province, as Her Majesty, Her Heirs or Successors, shall think proper, or any other Prerogative or Right of the Crown whatsoever.

And be it further ordained and enacted, That the Words "Governor of this Province," wherever they occur in the foregoing Enactments, are to be understood as meaning and comprehending the Governor, or the Person authorized to execute the Commission of Governor, within this Province, for the Time being.

And be it further ordained and enacted, That this Ordinance, and the several Provisions herein contained, shall commence and have Execution and Effect from and after the First Day of December now next ensuing.

And be it further ordained and enacted, That this Ordinance, and the Provisions herein contained, shall not cease or expire on the First Day of November which will be in the Year of our Lord One thousand eight hundred and forty-two, but shall be and remain a permanent Law, and in full Force, until the same shall be repealed or altered by competent Legislative Authority.

SCHEDULE No. 1. referred to in the foregoing Ordinances.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith To the Bailiffs of our District Court in and for the District of _____ severally and respectively, greeting: We command you and each of you that you summon *A.B.* of _____ to appear, in Person or by his Attorney, in our District Court in and for the District of _____ to be held at _____ in the said District on the _____ Day of _____ to answer *C.D.* of a Plea of _____ [Nature of Action], for that, &c. [here set forth briefly the Plaintiff's Cause of Action]. Herein fail not.

Witness *E.F.* Esquire, Sheriff [or Deputy Sheriff, as the Case may be,] of our District of _____ at _____ in our said District, this _____ Day of _____ in the Year of our Lord _____ and in the _____ Year of our Reign.

SCHEDULE No. 2. referred to in the foregoing Ordinance.

TABLE OF FEES to be taken in ACTIONS under Ten Pounds Sterling.

By the Judge.

On every Summons or Attachment (Saisie Gagerie, Saisie Arrêt, or Saisie Revendication), One Shilling and Sixpence	£	s.	d.
On every Affidavit, One Shilling	-	-	0 1 0
On every final Judgment, Two Shillings and Sixpence	-	-	0 2 6

By the Clerk.

For every Summons or Attachment (Saisie Gagerie, Saisie Arrêt, or Saisie Revendication), One Shilling and Sixpence	-	-	0 1 6
For every Copy of the same, Sixpence	-	-	0 0 6
For every Subpœna, One Shilling	-	-	0 1 0
For every Copy of Subpœna, Sixpence	-	-	0 0 6
For entering every Judgment and Copy thereof, One Shilling and Sixpence	-	-	0 1 6

For

AND SPECIAL COUNCIL OF LOWER CANADA.

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For every Precept of the Nature of a Fieri facias, One Shilling and Sixpence	£	s.	d.	No. 144. Administration of Justice of Civil Causes and Masters involving small pecuniary Value.
For entering and filing every Opposition or Intervention, One Shilling	0	1	6	
For every Judgment on an Opposition or Intervention, and Copy thereof, One Shilling and Sixpence	0	1	0	
	0	1	6	

By the Bailiffs.

For Service of Process, Rules, or Orders, and Certificate thereof, One Shilling	0	1	0
For the Seizure of Goods and Chattels under Execution, and all incidental Trouble, travelling not included, Three Shillings and Nine-pence	0	3	9
For the Sale of Goods and Chattels under Execution, and all incidental Trouble, including Publications of Sale, Notices, &c., travelling not included, Three Shillings and Nine-pence	0	3	9
Returning Writs of Execution, One Shilling	0	1	0
Mileage on the Service of Process, at the Rate of Four-pence per Mile, without any Charge for the Distance gone over in returning, and without any Charge for Mileage on more than One Process against the same Defendant.			

By the Crier.

For calling each Cause, Sixpence	0	0	6
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TABLE of FEES to be taken in ACTIONS above Ten Pounds and under Twenty Pounds Sterling.

By the Judge.

On every Summons or Attachment, Saisie Gagerie, Saisie Arrêt, or Saisie Revendication, Two Shillings and Sixpence	0	2	6
On every Verdict of a Jury, Seven Shillings and Sixpence	0	7	6
For taking a Recognizance, Two Shillings	0	2	0
For taking every Affidavit, One Shilling	0	1	0
On entering every final Judgment, and taxing Costs, Seven Shillings and Sixpence	0	7	6

By the Attorney.

Taking Instructions to sue or defend, Five Shillings	0	5	0
For conducting the Case of the Plaintiff to final Judgment, in Cases in which Trial by Jury is not required	0	5	0
Drawing, engrossing, serving, and filing Declaration when specially required by an Order of the Court, Five Shillings	0	5	0
For filing Appearance for Defendant, General Issue, and on Proceedings to final Judgment, Five Shillings	0	5	0
For every Special Plea, Copy, Service, and filing, Five Shillings	0	5	0
For every Replication or other Pleading rendered necessary by a Special Plea, Copy, Service, and filing, Five Shillings	0	5	0
For suing out a Commission for the Examination of Witnesses, including the Interrogatories, and all incidental Trouble, Seven Shillings and Sixpence	0	7	6
Every necessary Notice, One Shilling	0	1	0
Every necessary Attendance, One Shilling	0	1	0
Drawing and engrossing Affidavit, Copy thereof, and Service, Two Shillings and Sixpence	0	2	6
For conducting Case of Plaintiff or Defendant on a Trial by Jury, Ten Shillings	0	10	0
Drawing and engrossing Bill of Costs, Copy, Service, and Attendance at Taxation, Two Shillings	0	2	0

By the Clerk.

For every Summons or Attachment, (Saisie Gagerie, Saisie Arrêt, or Saisie Revendication,) and filing Præcipe for it, Two Shillings and Sixpence	0	2	6
For every Copy of the same, One Shilling and Sixpence	0	1	6

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	£	s.	d.
For every Subpœna, One Shilling	0	1	0
For every Copy of Subpœna, Sixpence	0	0	6
For a Commission for the Examination of Witnesses, Two Shillings and Sixpence	0	2	6
For swearing Jury and taking Verdict, Three Shillings	0	3	0
For filing every Exhibit or Paper, Four-pence	0	0	4
For entering and filing every Opposition or Intervention, Two Shillings and Sixpence	0	2	6
For entering Judgment on every Opposition or Intervention, and Copy thereof, Three Shillings and Sixpence	0	3	6
For entering final Judgment, and Copy thereof, Three Shillings and Sixpence	0	3	6
For every Precept of the Nature of a Fieri facias, and filing Præcipe, Three Shillings and Sixpence	0	3	6

By the Bailiff.

For the Service of Process, Rules, or Orders, and a Certificate thereof, Two Shillings	0	2	0
For the Seizure of Goods and Chattels under Execution, and all incidental Trouble, travelling not included, Five Shillings	0	5	0
For the Sale of Goods and Chattels under Execution, and all incidental Trouble, including Publications of Notices, travelling not included, Five Shillings	0	5	0
Returning Writ of Execution, One Shilling	0	1	0
Mileage on the Service of Process, at the Rate of Four-pence per Mile, without any Charge for the Distance gone over in returning, and without any Charge for Mileage on more than One Process against the same Defendant.			

By the Crier.

For calling each Cause, Sixpence	0	0	6
On the swearing of a Jury, One Shilling	0	1	0

FEES to be taken by the CLERKS of the DISTRICT COURTS on certain extra-judicial Proceedings.

On the Appointment of a Tutor or Guardian, and Subrogé Tutor or a Curator, (Acte de Tutelle or Curatille,) and Copy thereof, Seven Shillings and Sixpence	0	7	6
On the closing of every Inventory, Five Shillings	0	5	0
For the Registration of written Instruments subject to Registration (Insinuation), at the Rate of Sixpence for every Hundred Words.			
For Certificate of Registry, One Shilling	0	1	0

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

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No. 145.

No. 145.

New Territorial
Divisions of Lower
Canada, and more
efficient Adminis-
tration of Justice.

An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the Judicature, and provide for the better and more efficient Administration of Justice throughout this Province.

[Passed 26th June 1840.]

WHEREAS the Provisions of Law under which the existing Courts of Judicature in this Province have been established are, and have been found by Experience to be, altogether insufficient and inadequate for the due Administration of Justice, and other and further Provisions in this Behalf, as well as a corresponding Alteration in the Division of this Province, for the Purposes of Judicature, have become necessary; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That so much of an Act of the Legislature of this Province passed in the Thirty-fourth Year of the Reign of His late Majesty King George the Third, intituled "An Act for the Division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned," as enacts that the said Province shall consist of Three Districts, to be called the District of Quebec, the District of Montreal, and the District of Three Rivers, and determines the Extent and Boundaries of the said Three Districts; and also so much of the said last-mentioned Act as erects the County of Gaspé into an Inferior District, to be called the Inferior District of Gaspé; and also so much of an Act of the Legislature of this Province passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis," as erects certain Townships and Parts of Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis; and also so much of another Act of the same Legislature passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to continue for a limited Time, and to amend, a certain Act therein mentioned, relating to the Inferior District of Saint Francis," as enacts that the said Inferior District shall be called the District of Saint Francis; and also a certain Act of the Legislature of this Province, passed in the Session held in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled "An Act to repeal certain Parts of an Act passed in the Thirty-fourth Year of His late Majesty's Reign, intituled 'An Act for the Division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned, and to ascertain the Boundaries of the District of Three Rivers,'" and also so much of the said Act passed in the Thirty-fourth Year of the Reign of His said late Majesty King George the Third as in any Manner relates to the Establishment and Jurisdiction of Courts of King's Bench in the Districts of Quebec, Montreal, and Three Rivers, and to the Establishment and Jurisdiction of Provincial Courts in the District of Three Rivers and in the Inferior District of Gaspé, and to the Establishment of Annual Circuits in the said Districts of Quebec, Montreal, and Three Rivers, and to the Establishment and Jurisdiction of the Provincial Court of Appeals in the said Province; and also so much of the said Act passed in the Third Year of the Reign of His said late Majesty King George the Fourth as in any Manner relates to the Appointment of a Judge in and for the said Inferior District of Saint Francis, and to the Establishment and Jurisdiction of a Provincial Court therein, and so much as

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confers any Powers on the said Judge, or on the said Provincial Court, in or out of Term; and also so much of a certain other Act of the Legislature of this Province passed in the Session of the said Legislature held in the Tenth and Eleventh Years of the Reign of His said late Majesty King George the Fourth, intituled "An Act to continue further for a limited Time a certain Act passed in the Third Year of His Majesty's Reign, intituled 'An Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis, and to establish Courts of Judicature therein, and to make further Provision for the due Administration of Justice in the said Inferior District,'" as relates to the Establishment and Jurisdiction of a Court of King's Bench in the said District of Saint Francis, and so much thereof as confers any Powers on the said Court of King's Bench, or the Judges thereof, in Term or in Vacation; and also so much of any other Statutes or Laws now in force in this Province as confers Jurisdiction or Powers on the said Courts of King's Bench and Provincial Courts herein-before mentioned, or any of them respectively, or on the Judges thereof, shall be and the same are hereby repealed: Provided always, that the Repeal of the said Acts, and Parts and Provisions of Acts, of the Legislature of this Province as aforesaid, shall not have the Effect of reviving or giving any Force whatever to any Act, Ordinance, or Law, or Part of any Act, Ordinance, or Law, which shall by such Acts, and Parts and Provisions of Acts, have been repealed or determined.

And be it further ordained and enacted, That this Province of Lower Canada shall, for the Purposes of Judicature, be divided into Four principal Territorial Divisions or Parts, to be called respectively the Territorial Division of Quebec, the Territorial Division of Montreal, the Territorial Division of Sherbrooke, and the Territorial Division of Gaspé, which said Territorial Divisions respectively shall be limited and bounded as follows; that is to say, the said Territorial Division of Quebec shall be bounded to the Westward by the South-western Boundary Line of the Seigniory of Batiscan as far as it extends, and thence by a due North-west Line to the Northern Boundary of this Province on the North Side of the River Saint Lawrence, and by the North-eastern Boundary Lines of the Seigniory of Saint Pierre les Becquets and the Township of Blandford until intersected by the River Beauceville; thence Easterly up the said River to the Western Line of the Township of Somerset; thence Southerly along the South-western Boundary Line of the County of Megantic to the River Chaudiere; thence Southerly up the said River to Lake Megantic; thence through the Middle of the said Lake to the Mouth of Arnold River; thence Southerly up the said River to the Southern Boundary of this Province on the South Side of the River Saint Lawrence, and to the Eastward on the North Side of the River Saint Lawrence by the Eastern Boundary of this Province, and on the South Side of the said River by the Western Boundaries of the Counties of Bonaventure and Gaspé; and the said Territorial Division of Quebec shall comprehend all that Part of this Province which lies to the Eastward of the aforesaid Western Boundary Line of the said Territorial Division on the North Side of the River Saint Lawrence, and all that Part of this Province which lies between the aforesaid Western and Eastern Boundary Lines on the South Side of the River Saint Lawrence; and the said Territorial Division of Montreal shall be bounded to the Eastward by the South-western Boundary Line of the Seigniory of Batiscan as far as it extends, and thence by a due North-west Line to the Northern Boundary of this Province on the North Side of the River Saint Lawrence, and to the South by a Prolongation South-easterly of the said South-western Boundary Line of the Seigniory of Batiscan to the Middle of the River Saint Lawrence; thence up the Middle of the said River to a Point to be intersected by the South-easterly Prolongation of the North-eastern Boundary Line of the Seigniory of Maskinongé; thence South in a direct Line to the Entrance of the Bay of Yamaska or La Villiere; thence South-westerly up the Middle of the said Bay until intersected by the South-western Boundary Line of the Seigniory of Yamaska; thence South-easterly along the said Line until intersected by the River Yamaska; thence Southerly up the said River to the North-eastern Boundary Line of the Seigniory of Saint Charles; thence South-easterly along the said Line, and the North-eastern Boundary of the Seigniory of De Ramsay, to the Eastern Angle of the said Seigniory of De Ramsay; thence Southerly along the

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the Eastern Boundaries of the Counties of Saint Hyacinthe and Rouville to the Southern Boundary of this Province on the South Side of the River Saint Lawrence; and the said Territorial Division of Montreal shall comprehend all that Part of this Province which lies to the Westward of the aforesaid Eastern Boundary Lines of the said Territorial Division; and the said Territorial Division of Sherbrooke shall be bounded to the Eastward by the Western Boundary Line of the Territorial Division of Quebec, and to the Westward by the Eastern Boundary Line of the said Territorial Division of Montreal, on the North by the said Southern Boundary Line of the said Territorial Division of Montreal, and on the South by the Southern Boundary of this Province; and the said Territorial Division of Sherbrooke shall comprehend all that Part of this Province which lies between the Boundaries last aforesaid; and the said Territorial Divisions of Montreal and Sherbrooke shall respectively comprehend all the Islands in the River Saint Lawrence opposite and nearest to the Shores thereof; and the said Territorial Division of Gaspé shall comprehend all that Part of this Province which lies to the Eastward of the Eastern Boundary Line of the said Territorial Division of Quebec, comprising the Counties of Bonaventure and Gaspé, on the South Side of the River Saint Lawrence; and the Village of Sherbrooke, situated in the said Territorial Division of Sherbrooke, shall henceforward be called the Town of Sherbrooke; and New Carlisle, situated in the said Territorial Division of Gaspé, shall thenceforward be called the Town of New Carlisle.

And be it further ordained and enacted, That there shall be and is hereby established in this Province of Lower Canada a Superior Court of Record of Civil Jurisdiction, to be called the Court of Common Pleas for the Province of Lower Canada, which Court shall consist of Nine Justices, and the said Justices composing the said Court shall be appointed from Time to Time by Her Majesty, Her Heirs or Successors, by Letters Patent under the Great Seal of this Province.

And be it further ordained and enacted, That the said Court of Common Pleas hereby constituted shall have original Civil Jurisdiction throughout this Province of Lower Canada, with full Power and Authority to take cognizance of, hear, try, and determine in due Course of Law all Civil Pleas, Causes, and Matters whatsoever, as well those in which the Queen may be a Party as all others, excepting those purely of Admiralty Jurisdiction, which shall be and remain subject to that Jurisdiction, and excepting also certain Matters over which Jurisdiction is herein-after given to the Court of Queen's Bench hereby constituted.

And be it further ordained and enacted, That all and every the Powers, Authorities, and Jurisdictions in Pleas, Causes, Matters, and Things of a Civil and not Criminal Nature, of what Kind soever, which by Law are vested in and are required to be exercised by the several Courts of King's Bench in the several Districts of this Province as now constituted, or any or either of them, and in and by the several Justices of the said Courts, or any or either of them, and in and by the Provincial Courts in the Districts of Three Rivers and Saint Francis, and in the Inferior District of Gaspé, and by the Judges of the said Provincial Courts, or any or either of them, as well in Term as in Vacation, excepting nevertheless such of the said Powers, Authorities, and Jurisdictions as are herein-after vested in the Court of Queen's Bench hereby constituted, shall, from and after the Period herein-after appointed for the Commencement of this Ordinance, become and be vested in the Court of Common Pleas hereby constituted, and shall and may be as fully and effectually exercised by the said Court of Common Pleas and the Justices thereof, severally and respectively, as well in Term as in Vacation, as the same might have been exercised and enjoyed by the said Courts of King's Bench, and any or either of them, and the several Justices thereof or any of them, in Term or Vacation, if this Ordinance had not been passed.

And be it further ordained and enacted, That the said Justices of the said Court of Common Pleas, in the Exercise of their Judicial Power, shall and may sit in Divisions, at the Times and Places herein-after mentioned, which Divisions shall be distinguished by Numbers, and be designated and known as the First Division, the Second Division, the Third Division, and the Fourth Division.

And be it further ordained and enacted, That the First of the said Divisions of the said Court of Common Pleas shall sit at the City of Quebec, in the said

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Territorial Division of Quebec, at the Times herein-after mentioned, and shall consist of Three or more of the Justices of the said Court; and that the Second Division of the said Court shall sit at the City of Montreal, in the said Territorial Division of Montreal, at the Times herein-after mentioned, and shall consist of Three or more of the Justices of the said Court; and that the Third Division of the said Court shall sit in the Town of Sherbrooke, in the said Territorial Division of Sherbrooke, and shall consist of Two or more of the Justices of the said Court; and that the Fourth Division of the said Court shall sit in the said Town of New Carlisle, and at Carleton, Percé, and Douglas Town, in the said Territorial Division of Gaspé, at the Times herein-after mentioned, and shall consist of One or more of the Justices of the said Court.

And be it further ordained and enacted, That in each of the said Divisions of the said Court of Common Pleas respectively, composed of Two or more Justices, it shall be lawful for the Governor of this Province for the Time being, by an Instrument under his Hand and Seal at Arms, from Time to Time, as Occasion may require, to appoint One of the Justices of the said Court to preside, and in case of his Death, Absence, or Incapacity to attend in such Division, the senior Justice present shall preside therein until another President shall be appointed as aforesaid.

And be it further ordained and enacted, That it shall be lawful for the Governor of the said Province for the Time being, from Time to Time, to designate and nominate such of the said Justices of the said Court of Common Pleas as he may think fit to sit in the Divisions aforesaid of the said Court, and act therein as Justices as aforesaid.

And be it further ordained and enacted, That the said Court of Common Pleas hereby constituted, in each of its Divisions, severally and respectively, shall have and use, as Occasion may require, a Seal bearing a Device and Impression of Her Majesty's Royal Arms, with an Inscription thereon, expressing that it is the Seal of the particular Division of the said Court for which it is intended and to which it may belong; which Seal shall be kept in the Custody of the President of the said last-mentioned Division, or in case of his Absence, or a Vacancy of that Office, in the Custody of the senior Justice of the said last-mentioned Division.

And be it further ordained and enacted, That all Writs and Process to be issued from and out of each of the Divisions of the said Court of Common Pleas hereby constituted respectively shall run and be in the Name and Style of Her Majesty, Her Heirs or Successors, and shall be sealed with the Seal belonging to the Division of the said Court from which the same shall issue, and shall bear the Attestation of the President of such Division, or in case of Vacancy of that Office, of the senior Justice of the said Division, and shall be signed by the proper Officer whose Duty it shall be to prepare and make out the same.

And be it further ordained and enacted, That when a Division of the said Court of Common Pleas hereby constituted shall consist of Three or more Justices, any Two of them shall constitute a Quorum; provided always, that if there be only Two of such Justices present, and they shall be divided in Opinion, the Matter shall abide the future Judgment of the said Court in such Division.

And be it further ordained and enacted, That when a Division of the said Court of Common Pleas hereby constituted shall consist of Two Justices, the President of such Division, in case of a Difference of Opinion between the said Two Justices, shall have a double or casting Voice.

And be it further ordained and enacted, That a Prothonotary or Chief Clerk shall from Time to Time, as Occasion may require, be appointed, by the Governor of this Province for the Time being, for each of the said Divisions of the said Court of Common Pleas respectively.

And be it further ordained and enacted, That the said Court of Common Pleas hereby constituted in its separate Divisions aforesaid, severally and respectively, shall have and hold cognizance of Cases only where the Defendant or Defendants may have a Domicile or be legally served with Process within the Territorial Division in which the particular Division of the said Court resorted to by the Plaintiff shall sit; provided always, that if there be Two or more Defendants, it shall be sufficient, to give Jurisdiction to the particular Division of the said Court in which they may be sued or impleaded,

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that any One of the said Defendants be domiciliated or have been legally served with Process within the Territorial Division in which such particular Division of the said Court may sit.

And be it further ordained and enacted, That the Justices of the said Court of Common Pleas, sitting in separate Divisions as aforesaid, or so many of them as shall constitute a Quorum thereof as aforesaid, shall have, hold, and exercise, in each of the said Divisions respectively, the Power, Authority, and Jurisdiction of the whole of the said Court and of the Justices composing the same.

And be it further ordained and enacted, That in each of the said Territorial Divisions of Quebec, Montreal, and Sherbrooke the Justices of the said Court of Common Pleas hereby constituted, or any Two or more of them, shall sit and hold Terms or Sessions of the said Court of Common Pleas for the Cognizance of all Civil Pleas, Causes, and Matters which are now cognizable in the Superior Terms of the Courts of King's Bench, as now constituted, in the several Districts of this Province respectively, and which are hereby made cognizable in the said Court of Common Pleas; and the said Terms or Sessions of the said Court of Common Pleas shall be held in the said Territorial Divisions respectively as follows; that is to say, in each of the said Territorial Divisions of Quebec, Montreal, and Sherbrooke, from the First to the Twentieth Day of the Months of February, April, June, and October, both Days inclusive, Sundays and Holidays excepted.

Provided always, and be it further ordained and enacted, That the said Court of Common Pleas in its several Divisions aforesaid, in the said Terms thereof, shall only take cognizance of Suits or Actions wherein the Value of the Matter in dispute shall exceed the Sum of Twenty Pounds Sterling, unless the said Suits or Actions respectively shall relate to any Fee of Office, Duty, Rent, Income, or any Sum or Sums of Money payable to Her Majesty, Titles to Lands or Tenements, annual Rents, or such like Matters or Things, where the Rights in future may be bound.

And be it further ordained and enacted, That in the said Territorial Division of Gaspé the said Justices of the said Court of Common Pleas hereby constituted, or any One or more of them, shall sit and hold Terms and Sessions of the said Court of Common Pleas for the Cognizance of all Civil Pleas, Causes, and Matters whatsoever, which are cognizable in the said Court of Common Pleas, as follows; that is to say, at the said Town of New Carlisle, from the First to the Twentieth Day of March, and from the Eleventh to the Thirtieth Day of September of each Year; and at Carleton, from the First to the Tenth Day of July of each Year; and at Percé, from the First to the Tenth Day of August of each Year; and at Douglas Town, from the Sixteenth to the Twenty-fifth Day of August of each Year; the first and last Days of each of the said Periods being included, and Sundays and Holidays being excepted.

And be it further ordained and enacted, That in each of the said Territorial Divisions of Quebec, Montreal, and Sherbrooke there shall be held, by One or more of the Justices of the said Court of Common Pleas, Inferior Terms or Sessions thereof in each Year until the Fifteenth Day of January which will be in the Year of our Lord One thousand eight hundred and forty-three, and no longer, which Terms shall be held in and for the said Territorial Divisions respectively at the Places and Times herein-after mentioned; that is to say, at each of the said Cities of Quebec and Montreal, and in the said Town of Sherbrooke, from the Twenty-first to the Thirty-first Day of January, from the Eleventh to the Nineteenth Day of March, from the Twenty-first to the Thirty-first Day of May, from the Twenty-fourth to the Thirtieth Day of June, from the Twenty-first to the Thirty-first Day of August, and from the Twenty-first to the Thirtieth Day of November of each and every Year, the first and last Days of the said Periods being included, and Sundays and Holidays excepted; and that the said Court of Common Pleas, in the said several Divisions thereof respectively, shall, in the said Inferior Terms thereof, have the same Jurisdiction, Powers, and Authority which by Law are now vested in the said Courts of King's Bench for the Districts of Quebec and Montreal, as now constituted, in the Inferior Terms thereof, and subject to the same Evocation and Removal of certain Suits or Actions from the said Inferior Terms of the said Court of Common Pleas to the Superior Terms thereof as are now authorized

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rized and may be obtained from the Inferior Terms of the said last-mentioned Courts of King's Bench for the Districts of Quebec and Montreal respectively to the Superior Terms thereof, and under the same Rules which now govern such Proceedings in the Inferior and Superior Terms of the said Courts of King's Bench.

Provided always, and it is hereby further ordained and enacted, That the said Court of Common Pleas, in the said Inferior Terms to be held in the said Territorial Divisions of Quebec, Montreal, and Sherbrooke as aforesaid, shall and may have and hold cognizance of, hear, try, and determine in a summary Manner, without Appeal, Suits and Actions of the Nature of those now cognizable in the Inferior Terms of the said last-mentioned Courts of King's Bench, wherein the Sum demanded shall not exceed the Sum of Twenty Pounds Sterling, in the same Manner and under and subject to the same Rules and Regulations as now obtain in the said Inferior Terms of the said Courts of King's Bench in Suits and Actions wherein the Amount claimed does not exceed Ten Pounds Sterling.

Provided also, and be it further ordained and enacted, That the said Court of Common Pleas hereby constituted, in the Inferior Terms thereof to be held in the said Territorial Divisions of Quebec, Montreal, and Sherbrooke as aforesaid respectively, shall have and hold cognizance of Cases only where the Defendant or Defendants may have a Domicile or be legally served with Process within the Territorial Division in which the particular Division of the said Court resorted to by the Plaintiff in the Inferior Terms thereof shall sit, unless there be Two or more Defendants, in which Case it shall be sufficient, to give Jurisdiction to the particular Division of the said Court, in the Inferior Terms thereof in which they may have been sued or impleaded, that any One of the said Defendants be domiciliated or have been legally served with Process within the Territorial Division in which such particular Division of the said Court in the Inferior Terms thereof may sit.

And be it further ordained and enacted, That an Appeal and Writ of Error shall lie from the Judgments of the said Court of Common Pleas hereby constituted in the several Divisions aforesaid, in the Terms thereof aforesaid, other than the said Inferior Terms, to the Court of Queen's Bench herein-after constituted, in every Case in which an Appeal or Writ of Error now by Law lies from the Judgments of the Courts of King's Bench in the several Districts of this Province, in the Civil Superior Terms thereof, to the Provincial Court of Appeals, as heretofore established and subsisting at the Period herein-after appointed for the Commencement of this Ordinance, upon the same Terms and Conditions, and under and subject to the same Restrictions, Limitations, Rules, and Regulations as are now established and obtained in Appeals from the said Courts of King's Bench to the said Provincial Court of Appeals.

And be it further ordained and enacted, That it shall and may be lawful to and for the said Court of Common Pleas, in its several Divisions aforesaid, by Commission or Commissions under the Seal of such Divisions respectively, to authorize and appoint any fit or proper Person or Persons, either generally or in any particular Case, or for One or more Term or Terms only, to receive the Acknowledgments or Recognizances of Bail on Bail Process and to administer Oaths for the Justification of Bail, and for receiving and taking the Declaration on Oath of any Garnishee or Garnishees, and for receiving and taking the Answers of any Party or Parties on Interrogatories on Facts and Articles (Faits et Articles), or on the Juramentum Litis Decisorium, or on the Juramentum Judiciale, and for the Examination of any Witness or Witnesses upon Interrogatories, and for the taking of any Affidavit, Declaration on Oath, or Affirmation, in any Suit, Matter, or Proceeding which may be depending or about to be instituted in the said Court of Common Pleas, upon such Occasions as the said Court shall think fit to issue the said Commissions.

And be it further ordained and enacted, That, for the Purpose of establishing Uniformity in the Practice and Proceedings of the said Court of Common Pleas in its several Divisions, it shall be lawful for the Justices of the said Court, or any Six of them, to meet, at any Time or Times after the Period herein-after appointed for the Commencement of this Ordinance, for the Purpose of framing and adopting Rules to govern the Practice and Forms of Proceedings and Process of the said Court with Uniformity in its several Divisions, and that the said Rules so framed and adopted by the said Justices, or any Six of them,

them, not being repugnant to this Ordinance, or to the Law of the Land, shall, after Publication thereof in the said Divisions respectively, become and be the Rules of Practice of each and every of the said Divisions, and shall continue to be binding and observed therein until the same may be rescinded, altered, or modified by the said Justices, or any Six of them, at any subsequent Meeting or Meetings of the said Justices, or any Six of them, to be for that Purpose had, and the Publication in the said Divisions of the said Court respectively of the new Rules or Orders by which the same shall or may be rescinded, altered, or modified.

And be it further ordained and enacted, That all and singular the Laws of this Province, which before and at the Period herein-after mentioned for the Commencement of this Ordinance were and shall be in force to govern and direct the Proceedings and Practice of the Courts of King's Bench in the several Districts of this Province, as now constituted, in the Exercise of the Civil Jurisdiction of the said Courts, as well in the Superior as the Inferior Terms thereof respectively, and which are not expressly repealed or varied by this Ordinance, shall continue to be in force and be observed in and by the said Court of Common Pleas in its several Divisions aforesaid, as well in the Superior as the Inferior Terms thereof respectively.

And be it further ordained and enacted, That all and every the Records, Registers, Muniments, and Judicial and other Proceedings of the Courts of King's Bench in the several Districts of this Province, in Civil Matters, shall forthwith, after the Period herein-after appointed for the Commencement of this Ordinance, be transmitted into and make Part of the Records, Registers, Muniments, and Judicial and other Proceedings in the said Court of Common Pleas hereby constituted in the respective Divisions thereof, to and by which the Powers of the said Courts of King's Bench respectively have been transferred, and in pursuance of this Ordinance are to be exercised; that is to say, all the Records, Registers, Muniments, and Judicial and other Proceedings of the said Court of King's Bench for the District of Quebec shall be transmitted into the said Court of Common Pleas in the aforesaid First Division thereof; and all the Records, Registers, Papers, and Judicial and other Proceedings of the said Court of King's Bench for the District of Montreal shall be transmitted into the aforesaid Second Division thereof; and all the Records, Registers, Papers, and Judicial and other Proceedings of the said Court of King's Bench for the District of Three Rivers shall be transmitted into the said Court of Common Pleas in the aforesaid Second Division thereof; and all the Records, Registers, Papers, and Judicial and other Proceedings of the said Court of King's Bench for the said District of Saint Francis shall be transmitted into the said Court of Common Pleas in the aforesaid Third Division thereof; and all the Records, Registers, Papers, and Judicial and other Proceedings of the said Provincial Court of the said Inferior District of Gaspé shall be transmitted into the said Court of Common Pleas in the aforesaid Fourth Division thereof.

And be it further ordained and enacted, That no Judgment, Order, Rule, or Act of the said Courts of King's Bench respectively, legally pronounced, given, had, or done before the Commencement of this Ordinance, shall be hereby avoided, but shall remain in full Force and Virtue as if this Ordinance had not been passed; nor shall any Action, Information, Suit, Cause, or Proceeding, depending in the said Courts respectively, be abated, discontinued, or annulled, but the same shall be transferred, in their present Condition respectively, to and subsist and depend in the several and respective Divisions of the said Court of Common Pleas hereby established, into which the Records, Registers, Muniments, and other Judicial Proceedings of the said Courts of King's Bench respectively, and of the said Provincial Court of the said Inferior District of Gaspé, are to be transmitted as aforesaid, as if they had respectively been commenced, brought, or recorded in the said Court of Common Pleas hereby established, and other and further Proceedings shall be therein had in the said respective Divisions of the said Court of Common Pleas to Judgment and Execution as might have been had in the said Court of King's Bench and Provincial Court respectively, or in the said Court of Common Pleas in Cases or Proceedings commenced and depending before the said Court of Common Pleas.

And be it further ordained and enacted, That every Writ or Process which is or shall be returnable into any of the said Courts of King's Bench, in the

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several Districts of this Province as now constituted, at any Day subsequent to the Period herein-after appointed for the Commencement of this Ordinance, shall be returned into that Division of the said Court of Common Pleas into which the Records, Registers, and Proceedings of the Court of King's Bench from which such Writ or Process may have been or be issued are by this Act directed and required to be transmitted; and every such Writ and Process shall be held and considered to be returnable on the First Day of the Term of the Division of the said Court of Common Pleas to which it is hereby made returnable next following the Day on which such Writ or Process shall have been issued.

And be it further ordained and enacted, That there shall be held Four Times in every Year, in each of the said Territorial Divisions of Quebec, Montreal, Sherbrooke, and Gaspé, a General Session of the Peace, by the Justices of the Peace of the said Territorial Divisions respectively, or any Three of them, whereof One shall be of the Quorum, who shall hear, try, and determine all Matters relating to the Conservation of the Peace, and all Crimes and Criminal Offences, Causes, and Matters which are or may be cognizable in and by a General or Quarter Session of the Peace, according to the Laws in force in this Province; and the said Sessions of the Peace for the said Territorial Divisions of Quebec, Montreal, Sherbrooke, and Gaspé shall respectively be held as follows; that is to say, at the Cities of Quebec and Montreal and the Town of Sherbrooke, in and for the said Territorial Divisions of Quebec, Montreal, and Sherbrooke respectively, from the Tenth to the Nineteenth Day of each of the Months of January and July, and from the Twenty-first to the Thirtieth Day of each of the Months of April and October, the first and last Days of each of the said Periods being included, and Sundays and Holidays excepted; and at the Town of New Carlisle aforesaid, in and for the said Territorial Division of Gaspé, from the Eleventh to the Sixteenth Day of January, and from the Twenty-first to the Twenty-sixth Day of July of each Year, both Days inclusive, and Sundays and Holidays excepted; and at Carleton, Percé, and Douglas Town, in and for the said Territorial Division, during the Six Days immediately following the Terms or Sessions herein-before appointed for the holding of the said Court of Common Pleas in the said Territorial Division of Gaspé; and the said Justices of the Peace in their said General Sessions of the Peace, to be held as aforesaid, shall be vested with and shall and may exercise, within the Territorial Divisions aforesaid respectively, all and every the Powers, Authorities, and Jurisdiction which at the Commencement of this Ordinance shall by Law be vested in and required to be exercised by the General Sessions of the Peace in the several Districts of Quebec, Montreal, and Saint Francis, and in the aforesaid Inferior District of Gaspé respectively.

Provided always, and be it further ordained and enacted, That it shall be lawful for the Governor of this Province, from Time to Time and at such Times as in his Discretion he may deem expedient, to issue Commissions of the Peace for any or every District or County or any City or Town within the said Territorial Divisions respectively as if this Ordinance had not been passed, any thing herein contained to the contrary notwithstanding; and when any such Commissions of the Peace may be issued, the General or Quarter Sessions of the Peace to be held by virtue and under the Authority of the same shall be held at the several and respective Times herein-before appointed for the holding of the General or Quarter Sessions of the Peace in and for the said Territorial Divisions of Quebec, Montreal, and Sherbrooke respectively, and at the Places that may be appointed for the holding of the District Courts in the said Divisions respectively.

And be it further ordained and enacted, That all and every the Powers and Authorities which by any Law of this Province in force at the Time of the Commencement of this Ordinance, or by or under any Commission under the Great Seal of this Province, or under the Seal at Arms of the Governor of this Province, or by any other legal and competent Authority, shall have been granted or established, or shall be required to be or may or might lawfully be exercised within the said Districts of Quebec, Montreal, and Saint Francis, and in the said Inferior District of Gaspé, respectively, shall continue to subsist in the same Force and with the same Effect, and shall and may be exercised in like Manner, within the said Territorial Divisions of Quebec, Montreal, Sherbrooke, and Gaspé, respectively, as they would have subsisted and might have been

been exercised in the said Districts and Inferior District respectively if this Ordinance had not been passed, except in so far as such Powers and Authorities may be abrogated, revoked, or annulled by or may be inconsistent with the Provisions of this Ordinance.

And be it further ordained and enacted, That, from and after the Period herein-after appointed for the Commencement of this Ordinance, there shall be erected and established in this Province a Supreme Court of Record, to be called the Court of Queen's Bench for the Province of Lower Canada, and the said Court shall consist of and be holden by and before the Chief Justice of this Province for the Time being and Two Puisné Justices, to be named and appointed from Time to Time by Her Majesty, Her Heirs or Successors, by Letters Patent under Her or Their Great Seal of this Province.

And be it further ordained and enacted, That the said Court of Queen's Bench hereby constituted shall have original Criminal Jurisdiction throughout this Province of Lower Canada, in like Manner as Her Majesty's Court of Queen's Bench in that Part of Great Britain called England hath and may lawfully exercise Criminal Jurisdiction throughout the said Part of Great Britain called England, with full Power and Authority to take cognizance of, hear, try, and determine, in due Course of Law, all Pleas of the Crown, Treasons, Murders, Felonies, and Misdemeanors, Crimes and Criminal Offences whatsoever, heretofore had, done, or committed, or which shall hereafter be had, done, or committed, or whereof Cognizance may lawfully be taken within this Province of Lower Canada, save and except such as may be cognizable by the Jurisdiction of the Admiralty.

And be it further ordained and enacted, That all and every the Powers, Authorities, and Jurisdictions in Pleas of the Crown, Crimes and Criminal Offences, of what Nature and Kind soever, which by Law are required to be exercised and may or might be exercised by and are vested in the several Courts of King's Bench in the several Districts of this Province as now constituted, or any or either of them, and by the several Justices of the said Courts, or any or either of them, as well in Term as in Vacation, shall, from and after the Commencement of this Ordinance, become and be vested in the said Court of Queen's Bench hereby constituted, and shall and may be as effectually exercised by the said Court of Queen's Bench hereby constituted, and the Justices thereof, severally and respectively, as the same might have been exercised and enjoyed by the said Courts of King's Bench, and any or either of them, and the several Justices thereof, or any of them, if this Ordinance had not been passed.

And be it further ordained and enacted, That the said Chief Justice of the Province, and the said Puisné Justices of the said Court of Queen's Bench for the Time being, shall severally and respectively be and they are hereby appointed to be Justices and Conservators of the Peace, and Coroners, within and throughout this Province of Lower Canada.

And be it further ordained and enacted, That the said Court of Queen's Bench hereby constituted, and the Justices thereof, shall have, hold, and exercise a Supreme Appellate Civil Jurisdiction, and also the Jurisdiction of a Supreme Court of Error, within and throughout this Province of Lower Canada, with full Power and Authority to take cognizance of, hear, try, and determine, in due Course of Law, all Cases, Matters, and Things appealed and to be appealed, or removed and to be removed by Writ of Error, from all, each, and every Judge and Judges, Court and Courts, wherein an Appeal or Writ of Error by Law lies or is allowed, or hereafter may by Law lie or be allowed.

And be it further ordained and enacted, That all and every the Powers, Authorities, and Jurisdictions which by Law are required to be exercised and may or might be exercised by and are vested in the Provincial Court of Appeals as now constituted in and for this Province of Lower Canada, and by or in the several Judges or Members of the said Provincial Court of Appeal, or any of them, as well in Term as in Vacation, shall from and after the Commencement of this Ordinance become and be vested in the said Court of Queen's Bench hereby constituted, and shall and may be as effectually exercised by the said Court of Queen's Bench hereby constituted, and the Justices thereof, severally and respectively, in Term or in Vacation, as the same might have been exercised and enjoyed by the said Provincial Court of Appeals, and the several Judges

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or Members thereof, or any of them, in Term or in Vacation, if this Ordinance had not been passed.

And be it further ordained and enacted, That Courts and Magistrates, and all other Persons, Bodies Politic and Corporate, within this Province of Lower Canada, shall be subject to the superintending and reforming Power, Order, and Control of the said Court of Queen's Bench, and of the Justices thereof, in such Sort, Manner, and Form as Courts and Magistrates, and other Persons, Bodies Politic and Corporate, of and in the aforesaid Part of Great Britain called England, are by Law subject to the superintending and reforming Power, Order, and Control of the Court of Queen's Bench in the said Part of Great Britain called England, and the Justices thereof, in Term or in Vacation, and shall have Power to award and issue Writs of Mandamus, Certiorari, Procedendo, Prohibition, Quo warranto, and Error, to be directed to such Courts, Magistrates, and Persons, Bodies Politic and Corporate, as the Case may require, in like Manner and for the same and like Causes for which such Writs may or might be legally awarded and issued by and from the Court of Queen's Bench in the said Part of Great Britain called England, and the Justices thereof, or any of them, and for which the Courts of King's Bench in the several Districts of this Province, and the Justices thereof, or any of them, before the passing of this Ordinance, may have awarded and issued the same, and shall have Power to punish any Contempt of the said Writs or wilful Disobedience thereto by Attachment, Fine, and Imprisonment.

And be it further ordained and enacted, That the said Court of Queen's Bench hereby constituted shall have, and use as Occasion may require, a Seal bearing a Device and Impression of Her Majesty's Royal Arms within an Exergue, and a Label surrounding the same, with this Inscription "The Seal of the Court of Queen's Bench" (or King's Bench, according as the Sovereign on the Throne may be King or Queen,) "of Lower Canada," which Seal shall be kept in the Custody of the said Chief Justice of the Province, and in case of Vacancy of the Office of Chief Justice the same shall be kept in the Custody of the Person who shall be senior Puisné Judge during such Vacancy.

And be it further ordained and enacted, That all Writs, Precepts, and Process to be issued from and out of the said Court of Queen's Bench shall run and be in the Name and Style of Her Majesty, Her Heirs or Successors, and shall be sealed with the Seal of the said Court of Queen's Bench, and shall have and bear the Attestation of the Chief Justice, or, in the Vacancy of that Office, of the senior of the Puisné Justices, and shall be signed by the proper Officer whose Duty it shall be to prepare and make out the same respectively.

And be it further ordained and enacted, That all Judgments, Rules, Orders, and Acts of Authority or Power whatsoever, to be made or done by the said Court of Queen's Bench hereby constituted, shall be made or done with and by the Concurrence of the said Three Judges, or any Two of them, on such Occasions assembled, or sitting as a Court.

And be it further ordained and enacted, That whenever any One or more of the Justices of the said Court of Queen's Bench hereby constituted shall be disqualified or rendered incompetent to sit in the said Court of Queen's Bench, by reason of Interest, Consanguinity, Sickness, Absence, or other Cause, it shall be lawful for the Governor of this Province for the Time being, by an Instrument under his Hand and Seal, to nominate and appoint any One or more of the Justices of the said Court of Common Pleas hereby constituted to sit in the said Court of Queen's Bench in the Place and Stead of the Justice or Justices so disqualified or rendered incompetent as aforesaid; and such Justice and Justices, so appointed, shall have the same Powers and Authority, during the Continuance of such Appointment, as the Justice or Justices so disqualified or rendered incompetent would otherwise have had: Provided always, that nothing herein contained shall give Power or Authority to any Justice or Justices of the said Court of Queen's Bench to sit in, hear, try, or determine any Appeal or Appeals, Cause or Causes in Error, in which he or they shall have sat in the Court whose Judgment or Judgments has or have been appealed from.

And be it further ordained and enacted, That the Justices of the said Courts of Queen's Bench hereby constituted, or any Two or more of them, shall sit and hold Terms or Sessions of the said Court of Queen's Bench at such Place within this Province as may, by Proclamation of the Governor of this Province,

by and with the Advice of the Executive Council thereof, be appointed for the Exercise of the Criminal and Civil Jurisdiction of the said Court, and of all and every the Powers and Authorities hereby vested in the said Court, which Terms or Sessions of the said Court shall be held Four Times in each Year; that is to say, on the first Fifteen Juridical Days of January, on the first Fifteen Juridical Days of May, on the first Fifteen Juridical Days of August, and on the first Fifteen Juridical Days of November.

And be it further ordained and enacted, That it shall be lawful for the said Court of Queen's Bench hereby constituted to grant and issue Writs of Nisi Prius for the Trial of Issues joined in the said Court, or Indictments for Treason, Felony, Misdemeanor, or other Crime or Criminal Offences, in any District or County, Districts or Counties, in this Province of Lower Canada, in like Manner as Writs of Nisi Prius by Law may be and are granted and do issue in such Cases from the Court of Queen's Bench in the said Part of Great Britain called England, and do exercise the same Powers and Authorities in respect of such Writs of Nisi Prius, and the Proceedings thereon, as may or might be lawfully exercised in the said Part of Great Britain called England by the Court of Queen's Bench there, in relation to such Writs issued from that Court.

And be it further ordained and enacted, That an Appeal shall lie from the Judgments of the said Court of Queen's Bench hereby constituted to Her Majesty, Her Heirs or Successors, in Her or their Privy Council, in the said Part of Great Britain called England, in all, each, and every of the Causes, Matters, and Things for and in respect of which an Appeal, before and at the Period herein-after appointed for the Commencement of this Ordinance, lay and shall lie from the Judgments of the Provincial Court of Appeals aforesaid to Her Majesty in Her Privy Council, upon the same Terms and Conditions, and in the same Manner and Form, and under and subject to the same Restrictions, Rules, and Regulations, as have been and now are established and obtain in Appeals from the said Provincial Court of Appeals to Her Majesty in Her Privy Council.

And be it further ordained and enacted, That it shall and may be lawful for the said Court of Queen's Bench hereby constituted, by Commission or Commissions under the Seal of the said Court, to authorize and appoint any fit or proper Person or Persons, either generally or in any particular Case, or for One or more Turn or Turns only, for the taking of any Affidavit or Affirmation in any Suit, Matter, or Proceeding which may be depending or about to be instituted in the said Court, upon such Occasions as the said Court shall think fit to issue such Commissions; provided that nothing herein contained shall extend to authorize the issuing of any Commission or Commissions for the Examination of any Witness or Witnesses upon any Indictment or Information for any Offence whatever to be tried and determined by and before the said Court.

And be it further ordained and enacted, That all and every the Laws of this Province which, before and at the Period herein-after appointed for the Commencement of this Ordinance, were and shall be in force to govern and direct the Proceedings and Practice of the Courts of King's Bench in the several Districts in this Province in the Exercise of their Criminal Jurisdiction, and to govern and direct the Proceedings and Practice of the Provincial Court of Appeals aforesaid, and which are not expressly repealed or varied by this Ordinance, shall continue to be in force and be observed in and by the said Court of Queen's Bench hereby constituted, in the same Manner as the same would have been observed in the said Courts of King's Bench, and in the said Provincial Court of Appeals respectively, if this Ordinance had not been passed.

And be it further ordained and enacted, That all and every the Records, Registers, Muniments, and judicial and other Proceedings of the several Courts of King's Bench in the several Districts of this Province, in Criminal Matters, and appertaining to the Criminal Jurisdiction of the said Courts, and all and every the Records, Registers, Muniments, and judicial and other Proceedings of the Provincial Court of Appeals aforesaid, shall forthwith, after the Period herein-after appointed for the Commencement of this Ordinance, be transmitted into and made Part of the Records, Registers, Muniments,

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and judicial and other Proceedings of the said Court of Queen's Bench hereby constituted.

And be it further ordained and enacted, That no Judgment, Order, Rule, or Act of the said Court of King's Bench in the several Districts of this Province respectively, in Criminal Matters, and appertaining to the Criminal Jurisdiction of the said Courts, or of the Provincial Court of Appeals aforesaid, legally pronounced, given, had, or done before the Period herein-after appointed for the Commencement of this Ordinance, shall be hereby avoided, but shall remain in full force and virtue as if this Ordinance had not been passed; nor shall any Indictment, Information, Suit, Appeal, Writ of Error, or Proceeding, depending in the said last-mentioned Courts of King's Bench and in the said Provincial Court of Appeals, be abated, discontinued, or annulled, but the same shall be transferred, in their then present Condition respectively, to, and subsist and depend in, the said Court of Queen's Bench hereby established, according to the several Jurisdictions hereby given to the said Court severally and respectively, to all Intents and Purposes as if they had been respectively commenced, brought, found, presented, or recorded in the said Court of Queen's Bench hereby constituted; and the said Court of Queen's Bench hereby constituted shall have full Power and Authority to proceed accordingly, on and in all such Indictments, Informations, Suits, Appeals, Writs of Error, and Proceedings, to Judgment and Execution, and to make such Rules and Orders respecting the same as the said Courts of King's Bench or Provincial Court of Appeals might have made, or as the said Court of Queen's Bench hereby established is hereby empowered to make, in Causes, Suits, Appeals, Writs of Error, or Proceedings commenced or depending before the said Court of Queen's Bench hereby established.

And be it further ordained and enacted, That every Writ or Process which is or shall be returnable into any of the said Courts of King's Bench as now constituted, in the Exercise of their Criminal Jurisdiction, or into the said Provincial Court of Appeals, on any Day subsequent to the Commencement of this Ordinance, shall be returned into the said Court of Queen's Bench hereby constituted, and shall be held and considered to be returnable on the first Day of the Term of the said Court of Queen's Bench next following the Day on which such Writ or Process shall have been issued.

And be it further ordained and enacted, That all and every the Powers and Authority which, before and at the Period herein-after appointed for the Commencement of this Ordinance, were and shall be by Law vested in the several Courts of King's Bench in the several Districts of this Province, and in the Chief Justice and the Justices thereof respectively, relating in any Manner or Way to the Writ of Habeas Corpus, as well in Criminal as in Civil Cases, and to the awarding or issuing or Return thereof, and to the hearing or determining in due Course of Law of any Question, Issue, or Matter thence arising or incident thereto, shall be and the same are hereby vested in the said Court of Queen's Bench hereby constituted, concurrently with the said Court of Common Pleas hereby constituted, and in the said last mentioned Courts, severally and respectively, and in each and every of the Justices of the said last-mentioned Courts of Queen's Bench and Common Pleas respectively, as well in Term as in Vacation; which said Justices respectively shall be subject and liable to the same Penalty for denying in Vacation Time any Writ or Writs of Habeas Corpus as is provided by a certain Ordinance passed by the Governor and Legislative Council of the late Province of Quebec, intituled "An Ordinance for securing the Liberty of the Subject, and for the preventing of Imprisonment out of this Province," for the Denial of a Writ of Habeas Corpus in Vacation Time by the Chief Justice, Commissioners for executing the Office of Chief Justice, or Judge of the Court of King's Bench, in the said Ordinance mentioned; and the said Penalty shall be recovered from the said Chief Justice of the Province, and the Justices of the said Court of Queen's Bench hereby constituted, and the Justices of the said Court of Common Pleas hereby constituted, respectively, in the like Cases and Circumstances and in the same Manner as is provided in and by the said last-mentioned Ordinance in respect of the Chief Justice, Commissioners for executing the Office of Chief Justice, and Judges in the said Ordinance last aforesaid mentioned.

And

And in order to provide for the more prompt and convenient Administration of Justice in Criminal Matters throughout this Province, be it further ordained and enacted, That it shall be lawful for the Governor of this Province, and he is hereby required, at least Twice in each Year, and oftener if Circumstances should render it fit and expedient, to issue Commissions of Oyer and Terminer and General Gaol Delivery into each and every of the Districts or Counties of this Province in which Court Houses and Gaols now are or hereafter may be erected, by which Commissions the Commissioners therein named shall be invested with and have the like Jurisdiction, Power, and Authority in the Execution of the Laws of this Province as Commissioners or Justices of Oyer and Terminer and General Gaol Delivery by Law have or may lawfully exercise in the aforesaid Part of Great Britain called England, under Commissions of Oyer and Terminer and General Gaol Delivery, in execution of the Laws there.

And whereas it is expedient that the Benefit of Trial by Jury should be extended and facilitated, and the Administration of Justice assimilated to that which obtains in the said Part of Great Britain called England, in what respects the Establishment of Circuits, and the holding of Assizes, and the Exercise of Jurisdiction, Powers, and Authorities similar to those exercised by Commissioners or Justices of Assize and Nisi Prius under Commissions of Assize and Nisi Prius in the said Part of Great Britain called England; be it therefore ordained and enacted, That from and after the Period herein-after appointed for the Commencement of this Ordinance all and every the Issue and Issues of Fact joined in any Action, personal, real, or mixed, which may be instituted in the said Court of Common Pleas hereby constituted, may be tried and determined by the Verdict of a Jury, at the Option and Choice of any or either of the Parties in any such Action; and the Trials by Jury, when so chosen and required, shall be had, and the Verdict of the Jury rendered and taken, in conformity with the Provisions of Law by which Trials by Jury in the Cases wherein they are now allowed are regulated, and in like Manner as such Trials are now had.

And be it further ordained and enacted, That it shall be lawful for the Governor of this Province, by and with the Advice of Her Majesty's Executive Council thereof, when Circumstances may render it expedient, to divide this Province into Circuits, to be respectively denominated, limited, and established by an Order of the said Governor in Council in this Behalf; and it shall also be lawful for the said Governor from Time to Time to designate and nominate the Justices of the said Courts of Queen's Bench and Common Pleas respectively by whom the said Circuits shall be travelled and gone over, and the Duties of Judges on such Circuits performed.

And be it further ordained and enacted, That Assizes shall be held on the said Circuits, when and as soon as Circumstances may permit, at such Places as may from Time to Time be appointed by an Order of the Governor of this Province in Council; and by the same Authority the Places so appointed for holding the said Assizes may be altered, and other Places substituted for them, as to the Governor of this Province for the Time being, by and with the Advice of the Executive Council of this Province, shall seem expedient.

And be it further ordained and enacted, That the said Assizes shall be held under Commissions of Oyer and Terminer, General Gaol Delivery, and Nisi Prius, similar to and for like Purposes as those under which the Assizes are held in the said Part of Great Britain called England, except in so far as the Difference in the Laws of the Two Countries may require a Difference in the said Commissions; and the Form of the said Commissions previous to the issuing of the same shall be settled and determined by the Chief Justice of the Province, and the Puisné Justices of the said Court of Queen's Bench, or any Two of them, and when so settled shall be valid and binding, to all Intents and Purposes whatsoever.

And be it further ordained and enacted, That the Commissioners to be named and appointed in and by such Commissions of Nisi Prius shall have Power and Authority to try all Issues of Fact joined in any Action, personal, real, or mixed, in the said Court of Common Pleas hereby constituted, or in any of the Divisions thereof in which any or either of the Parties shall have made the Option of Trial by Jury, and in which such Trial shall by the said Court be appointed to be had, in like Manner as Issues of Fact joined in

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Actions in the Superior Courts of Westminster in the said Part of Great Britain called England are triable or may or might be tried, by Commissioners of Assize and Nisi Prius, or any or either of such Commissioners, under Commissions of Assize and Nisi Prius, or any or either of such Commissions, in the said Part of Great Britain called England, and shall, in respect of such Trials to be had as aforesaid, and all Matters thereunto relating, have and exercise the same and like Jurisdiction, Power, and Authority as are or may be lawfully exercised by Commissioners or Justices of Assize and Nisi Prius, or any or either of such Justices, in the said Part of Great Britain called England.

And be it further ordained and enacted, That it shall be lawful for the said Court of Common Pleas hereby constituted, in the several Divisions thereof aforesaid, to award and issue the Judicial Writ of Nisi Prius for the Trial of any Issue of Fact that may be joined in any Action, personal, real, or mixed, depending in the said Court, or any of the Divisions thereof wherein the Option of Trial by Jury may have been made by any of the Parties, and such Trial appointed by the Court before the Commissioners or Justices of Nisi Prius to be appointed by the Commissions to be issued as herein-before mentioned, at the Assizes to be held in this Province as aforesaid, in like Manner as the Courts of King's Bench and Common Pleas in the said Part of Great Britain called England are authorized to award and issue, and may lawfully award and issue, such Writs of Nisi Prius for the Trial of Issues joined in the said Courts respectively before Justices of Assize and Nisi Prius, or any or either of such Justices, at the Assizes held in the said Part of Great Britain called England.

And be it further ordained and enacted, That the Commissioners to be named in the said Commissions of Oyer and Terminer, General Gaol Delivery, and Nisi Prius shall respectively have the same and like Jurisdiction, Powers, and Authority, by virtue of the said Commissions, both in Civil and Criminal Matters, in execution of the Laws of this Province, as are vested in and are or might be lawfully exercised by Commissioners or Justices of Assize, Oyer and Terminer, General Gaol Delivery, and Nisi Prius, in the said Part of Great Britain called England, under Commissions of Assize, Oyer and Terminer, General Gaol Delivery, and Nisi Prius issued there, in execution of the Laws of the said Part of Great Britain called England.

And be it further ordained and enacted, That Commissions for holding the Assizes as aforesaid shall be issued after Court Houses and Gaols shall have been built in sufficient Number in different Parts of the Country to render the holding of such Assizes convenient and proper, and when Circumstances, in the Opinion of the Governor of this Province for the Time being, shall render it expedient.

Provided always, and be it further ordained and enacted, That nothing in this Ordinance contained shall extend or be construed to extend to prevent the Governor of this Province for the Time being from issuing, at any Time or Times when he may deem it expedient or necessary for the Ends of public Justice, General or Special Commissions of Oyer and Terminer and General Gaol Delivery for any District, or One or more County or Counties in any District, or for any City or Town within this Province, nor to derogate from or in any Manner abridge or affect the Prerogative and Right of the Crown to erect, constitute, and appoint Courts of Criminal and Civil Jurisdiction within this Province, as Her Majesty, Her Heirs or Successors, shall think proper, nor to derogate from, abridge, or affect any Prerogative or Right of the Crown whatsoever.

And be it further ordained and enacted, That it shall be lawful for the Governor of this Province, on any Claim which may be made by any of the Persons holding Offices which will become and be abolished under the Provisions of this Ordinance, for Compensation for Loss by reason of such Abolition of the said Offices, to determine, by and with the Advice of the Executive Council of this Province, whether such Claim have or have not a reasonable and just Foundation, and, if such Claim be admitted to be well founded and just, to assess and award thereupon such Compensation as by the said Governor, with such Advice as aforesaid, may be deemed reasonable and proper, regard being had to the Tenure under which the said Offices have been held, and to the Appointment which might be made of the said Persons, if

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qualified, to Offices of a similar Nature, to be filled under the Provisions of this Ordinance, and to all such Circumstances as may and ought to be considered in relation to any such Claim; and the Compensation that may be assessed and awarded as aforesaid shall be paid out of any of the unappropriated Monies for public Uses in the Hands of the Receiver General of this Province.

And be it further ordained and enacted, That the Name "Court of Queen's Bench," applied and used in the foregoing Enactments, shall be understood to be the Name of the Court to which it is herein-before applied as aforesaid while the Sovereign on the Throne of the United Kingdom of Great Britain and Ireland is a Queen, and that when the Sovereign on the Throne may be a King the Name of the said Court shall be the Court of King's Bench; and that the Words "Governor of this Province," whenever they occur in the said Enactments, are to be understood as meaning and comprehending the Governor, or the Person authorized to execute the Commission of Governor, within this Province for the Time being.

And be it further ordained and enacted, That this Ordinance, and the several Provisions herein contained, shall commence and have Execution and Effect from and after the First Day of December now next ensuing.

And be it further ordained and enacted, That this Ordinance, and the Provisions therein contained, shall not cease or expire on the First Day of November which will be in the Year of our Lord One thousand eight hundred and forty-two, but shall be and remain a permanent Law and in full Force in this Province until the same shall be repealed or altered by competent Legislative Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-sixth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-sixth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

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An Ordinance to incorporate the Montreal Public Bakery and Fuel Company.

[Passed 16th June 1840.]

WHEREAS a Joint Stock Association hath been formed in the City of Montreal, under the Name of "The Montreal Public Bakery for the Purpose of supplying the Poor and others with good and wholesome Bread at the cheapest possible Rate;" And whereas the several Persons herein-after mentioned, being the Persons who formed the said Association, have, by their Petition to his Excellency the Governor of this Province, declared their Intention of establishing in like Manner a Fuel Yard for supplying the Poor with Fuel at the Cost Price thereof, and have prayed that they may be incorporated for the Purposes aforesaid: And whereas the useful Purposes of the said Association will be

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No. 145.

New Territorial
Divisions of Lower
Canada, and more
efficient Administration
of Justice.

No. 147.

Incorporating
Montreal Public
Bakery and Fuel
Company.

No. 147.

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Company.

much promoted and the public Good advanced by granting the Prayer of the said Petition; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by the virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That Norman Bethune, Oliver Berthelet, Adam Ferrie, James Crawford, Henry Vennor, Charles H. Castle, William Workman, John E. Mills, Alexis Laframboise, William Porson, James Potts, James Ferrier, and such other Persons as may be at the Time of the passing of this Ordinance Stockholders in the said Association or Company, their several and respective Heirs, Successors, Executors, Curators, Administrators, and Assigns, and all such Persons as may under the Provisions of this Ordinance become Proprietors and Stockholders in and of the said Association, shall be and they are hereby ordained, constituted, and declared to be a Body Corporate and Politic, by the Name of the "Montreal Public Bakery and Fuel Company," and shall by that Name have uninterrupted Succession and a Common Seal, with Power to break or change the said Seal at their Pleasure, and, as such Body Corporate and Politic, shall and may hold and possess all and every the Monies, Capital Stock, Debts Active, and Goods and Chattels, to the said Association, Proprietors, and Stockholders belonging at the Time of the passing of this Ordinance, and shall and may by the same Name sue and be sued, answer and be answered unto, in all Courts and Places whatsoever, and shall and may require, take and receive, by Gift, Donation, Legacy, or otherwise, all and every Sum and Sums of Money, and all Goods and Chattels, and Lands and immoveable Property, subject always to the Provisions herein-after made with regard to the Amount of the Capital and Funds of the said Corporation, and to the said Lands and immoveable Property.

And be it further ordained and enacted by the Authority aforesaid, That the Capital Stock of the said Corporation shall at no Time exceed the Sum of Four thousand Pounds Current Money of Lower Canada, divided into Three thousand two hundred Shares of One Pound Five Shillings each.

And be it further ordained and enacted by the Authority aforesaid, That no individual Association, Company, or Body Corporate or Politic shall hold more than Forty Shares of the Stock of the said Corporation.

And be it further ordained and enacted by the Authority aforesaid, That as soon as One thousand Shares of the Stock shall have been subscribed for, a General Meeting of the Stockholders shall be called by public Advertisement, for the Purpose of electing a Committee of Management for conducting the Affairs of the said Corporation; and the Committee elected at such Meeting shall continue in Office until the First Monday in the Month of May One thousand eight hundred and forty-one, or until another Committee be duly elected in their Stead: Provided always, that, save and except for the Purpose of convening the First General Meeting, and electing Officers as herein provided, this Ordinance, or the Capacities, Powers, or Authority hereby conferred, shall not be in force or in any Manner operative or available to the said Association, or to any Person or Persons whatsoever, until the whole Capital Stock of the said Association shall be paid in.

And be it further ordained and enacted by the Authority aforesaid, That such Committee of Management shall consist of Twelve Members of the said Corporation, each of whom shall be Proprietor of at least Five Shares of the Stock of the said Corporation; and such Committee shall be elected annually on the First Monday in the Month of May in each and every Year, or if such Monday be a Holiday, or if from any Cause such Election be not had on that Day, then the Election may be had on any Day thereafter, and the Committee elected at the then next preceding Election shall continue in Office until another be duly elected in its Stead, and in the event of the Death, Sickness, or Absence from the Province for more than Three consecutive Months of any Member or

Members

Members of the said Committee of Management, his or their Places may be held and filled by a Person or Persons to be appointed by the remaining Members of the Committee of Management, without calling a Meeting of Stockholders for that Purpose, and the Person or Persons so appointed shall have the same Power and Authority as if they had been elected Members of the said Committee in the Manner aforesaid; and any Three Members of the said Committee shall form a Quorum thereof for the Transaction of Business, and may do all Things which the said Committee may do: Provided always, that if the Chairman of the Committee be not one of them, a Chairman for the Time being shall be chosen by the Members present.

And be it further ordained and enacted by the Authority aforesaid, That the said Committee of Management shall elect a Chairman from among themselves, and shall have Power and Authority to appoint, and pay out of the Funds of the Corporation, a Secretary, Treasurer, or Manager, and all other Officers and Servants by them deemed necessary, and to do, execute, and perform all Acts, Matters, and Things generally which shall or may by them be deemed requisite and necessary for carrying on and prosecuting the Business of the said Corporation, under and subject to the Provisions of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That the Committee of Management shall have Power to call upon the Stockholders for the whole Amount of Stock subscribed, by giving Thirty Days Notice thereof in Two or more of the public Newspapers published in the City of Montreal; and in case of Nonpayment of the said Capital Stock by any Subscriber or Subscribers, the said Committee, under the Name and Style of the said Corporation, may recover the Amount by Action at Law in any Court of competent Jurisdiction, or may, at their Option, after Notice as aforesaid, cause the Share or Shares of the Subscriber or Subscribers so in default to be forfeited to the said Corporation at a General Meeting of the Stockholders thereof.

And be it further ordained and enacted by the Authority aforesaid, That the Committee of Management shall have Power and Authority to purchase, acquire, and hold, in the Name of and for the Use and Benefit of the Corporation, Landed Estate within the Parish of Montreal, and not elsewhere, without Her Majesty's Letters of Mortmain, and such Landed Estate shall be used and appropriated solely for the Purpose of carrying on the Business of the said Corporation under the Provisions of this Ordinance, by the Erection of Ovens, Dwelling Houses, Storehouses, and other Buildings and Works thereon as may be necessary for the Purposes aforesaid, and no other, and so that the Real Property held by the said Corporation at any One Time shall not exceed in Value the Sum of One thousand five hundred Pounds Currency aforesaid; and the said Committee of Management for the Time being shall have Power and Authority, in the Name of the Corporation, and by Deed or Deeds under their Hands and the Seal of the Corporation, to sell, alienate, and dispose of any and all such Landed Estate and Property, and good and sufficient Deeds of Sale and Titles to grant thereof, whenever they shall deem and consider it advantageous to the Interests of the Corporation, and other Landed Estate in lieu thereof to acquire or purchase for the Purposes aforesaid, and subject always to the Provisions aforesaid as to the Value thereof.

And be it further ordained and enacted by the Authority aforesaid, That the Committee of Management shall have Power to make such Rules and Regulations for the internal Government of the said Corporation and the Affairs thereof as may by them be deemed requisite and necessary, and they shall assize or fix the Price of the Bread to be sold by the said Corporation once in each Week.

And be it further ordained and enacted by the Authority aforesaid, That the Shares of the Stock of the said Corporation shall be transferrable by an Assignment thereof, under the Hand of the Party assigning the same, and a Certificate upon or relating to such Assignment, signed by the Chairman of the Committee of Management for the Time being, and showing that such Assignment has been recorded in a Book to be kept for that Purpose by the Corporation.

And be it further ordained and enacted by the Authority aforesaid, That each Holder of One Share of the Stock of the Corporation shall have One Vote at all General Meetings and Elections to be held under the Authority of this Ordinance; and each Holder of Five Shares or more, but of less than Ten, shall have Two Votes; and each Holder of Ten Shares and less than Fifteen

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shall have Three Votes; and each Holder of Fifteen Shares or more shall have One additional Vote for every Five Shares over and above Ten, except in certain Cases herein-after provided for; but no Person shall be allowed to vote by Proxy.

And be it further ordained and enacted by the Authority aforesaid, That it shall be the Duty of the Committee of Management to call a General Meeting of the Stockholders to be held on the First Monday of the Month of May in each and every Year, provided such Monday be not a Holiday, and if it be such Holiday, or if the Election be not held on that Day, then on such Day next thereafter as shall not be a Holiday, for the Purpose of electing a Committee of Management for the ensuing Year; and the Votes at all such Meetings shall be taken by Ballot; and the Committee of Management shall at all such General Meetings lay before the Stockholders a clear, detailed, and distinct Report, Statement, and Account of the Affairs of the Corporation, a Copy whereof shall be transmitted to the Governor, Lieutenant Governor, or Person administering the Government: Provided always, that the Governor, Lieutenant Governor, or Person administering the Government, may from Time to Time, and as often as he shall deem fit, require and obtain from the Committee for the Time being a clear and detailed Report, Statement, and Account, under Oath, of the Affairs and Transactions of the said Corporation, which said Report, Statement, and Account, whether rendered at a General Meeting or upon such Requirement as aforesaid, shall be published in at least Two of the Newspapers of the City of Montreal.

And be it further ordained and enacted by the Authority aforesaid, That if, from the said Accounts, Reports, or Statements so to be rendered as aforesaid, or any of them, or in any other Manner, it shall appear that the Committee for the Time being have created or incurred Debts or Liabilities to or in favour of any Person or Persons, Body or Bodies Politic or Corporate, to an Amount exceeding the Capital Stock actually in the Hands of and available to the said Corporation, such Committee, and the Persons who may compose or may have composed the same, and their Heirs, Assigns, and legal Representatives, shall be held jointly and severally liable in their private Capacities for such Amount of Debts or Liabilities so exceeding the said Capital Stock; and an Action or Actions for the Recovery of the same may be had and prosecuted to Judgment and Execution by the Person or Persons, Body or Bodies Politic, to and in whose favour such Debts and Liabilities shall have been created and incurred, or by their Assigns or legal Representatives, according to the Laws of this Province.

And be it further ordained and enacted by the Authority aforesaid, That the said Corporation shall not at any Time or in any Way divide among the Stockholders any Dividend, Bonus, Profit, or Emolument of any Kind, exceeding the Rate of Six per Centum per Annum on the Amount of the said Capital Stock as aforesaid, nor shall any such Dividend be taken out of the Profits of the Corporation until after all Debts owing by the Corporation, and all Expenses necessary for carrying on the Business and Affairs thereof, shall have been deducted and paid; nor shall any Profits be reserved in the Hands of the Corporation, or of any Party for them, so as at any Time to increase the Funds of the said Corporation to more than the said Sum of Four thousand Pounds Currency, and Twenty-five per Cent. thereon.

And be it further ordained and enacted by the Authority aforesaid, That any further surplus Profits which may remain in the Possession of the Committee of Management, after paying such Dividend or Dividends to the Stockholders as they may think proper to declare from Time to Time (provided that the same shall not exceed the Rate of Six per Centum per Annum as aforesaid), shall be applied to charitable Purposes, in such Way as the Committee of Management for the Time being may think proper and advisable; and in order to enable the Committee of Management more fully to extend the Usefulness of the said Corporation to the poorer Classes of Society, they are hereby authorized to borrow a Sum of Money, not exceeding One thousand five hundred Pounds Currency in Amount, upon the Security of the said Corporation, for the Purposes of investing the same in Fire-wood and other Fuel, for the Purpose of selling and disposing of the said Fire-wood and Fuel to the poorer Classes of Persons residing within the Limits of the Banlieue of the City of Montreal, in preference to all other Persons, at the Price which the same may have cost, adding thereto the Interest of the Money paid

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paid for it, and other necessary Expenses incurred about it; and whenever the Profits of the Corporation shall become sufficient to enable the Committee of Management to lay in a Stock of Fuel by means thereof, they shall be at liberty to apply such Profits, or so much thereof as they think may be so applied most advantageously to the Poor, for that Purpose; and the said Committee of Management shall at all Times have discretionary Power to give away to the Poor a Portion of the surplus Profits of the Corporation, either in Fuel or otherwise, as to them may seem fit.

And be it further ordained and enacted by the Authority aforesaid, That a General Meeting of the Stockholders may be called at any Time, by the Committee of Management, or by a Requisition signed by at least Forty of the Stockholders, and inserted in Two or more of the Newspapers published in the City of Montreal, giving at least Fifteen Days Notice thereof, and stating the Object of the Meeting.

And be it further ordained and enacted by the Authority aforesaid, That the said Corporation shall, in any Case, be dissolved, cease, and determine at the End of Twenty-one Years from the passing of this Ordinance, but may be dissolved at any Time by the Votes of the Proprietors of Two Thirds in Amount of the whole Stock of the Corporation (in which Case only One Vote shall be allowed for each Share of Stock) at a Special Meeting to be for that Purpose called by at least Forty Stockholders, after they shall have given at least Thirty Days previous Notice of such Meeting in Two or more of the Newspapers published in the City of Montreal, stating the Object of such Meeting; but no such voluntary Dissolution shall take effect until after the Stockholders shall have indemnified the Committee of Management for the Time being for all Engagements which they may have entered into on behalf of the Corporation, nor until all the Debts and Liabilities of the Corporation shall have been paid and satisfied in full, or adequate Provision made and Security given for the Payment and Satisfaction of all such Debts and Liabilities as from any Cause whatever cannot then be legally discharged.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be a public Ordinance, and as such shall be taken notice of by all Judges, Justices, Persons, and Bodies Corporate whomsoever, without being specially pleaded.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and it is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Sixteenth Day of June, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Sixteenth Day of June One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 147.

Incorporating
Montreal Public
Bakery and Fuel
Company.

No. 146.

Incorporating the
City and Town of
Quebec.

(Copy.)

No. 148.

An Ordinance to incorporate the City and Town of Quebec.

[Passed 25th June 1840.]

WHEREAS, for the better Protection, Care, and Management of the local Interests of the Inhabitants of the City and Town of Quebec, and for the Municipal Government and the Improvement thereof, it is expedient that the said City and Town be incorporated; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Inhabitants of the said City and Town of Quebec, and their Successors, Inhabitants of the same, shall be and they are hereby constituted a Body Corporate and Politic, in Fact and in Name, by and under the Name, Style, and Title of "The Mayor, Aldermen, and Citizens of the City of Quebec," and as such shall have perpetual Succession, and a Common Seal, with Power to break, renew, change, and alter the same at pleasure, and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other Places, in all manner of Actions, Causes, and Matters whatsoever, and of accepting, taking, purchasing, and holding Goods and Chattels, Lands, and Tenements, real and personal, moveable and immoveable Estates, and of granting, selling, alienating, assigning, demising, and conveying the same, and of entering into and becoming a Party to Contracts, and of granting and accepting any Bills, Bonds, Judgments, or other Instruments or Securities, for the Payment or securing of the Payment of any Money borrowed or lent, or for the Performance or securing the Performance of any other Duty, Matter, or Thing whatsoever.

And be it further ordained and enacted, That the Tract of Land which in and by a certain Proclamation of his Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the said Province, and bearing Date the Seventh Day of May in the Year of our Lord One thousand seven hundred and ninety-one, was and is described as being comprehended within the City and Town of Quebec, and which it was therein declared should be thenceforward called by that Name, shall, from and after the passing of this Ordinance, constitute and be and be called the City of Quebec.

And be it further ordained and enacted, That for the Purposes of this Ordinance the said City of Quebec shall be and is hereby divided into Six Wards, to be called respectively Saint Louis's Ward, Palace Ward, Saint Peter's Ward, Champlain Ward, Saint Roch's Ward, and Saint John's Ward.

And be it further ordained and enacted, That the Boundaries and Limits of the said Six Wards of the City of Quebec shall be as follows; that is to say, First, Saint Louis's Ward shall comprise all that Part of the Upper Town within the Fortifications, and South of a Line drawn from Prescott Gate to Saint John's Gate, along the Middle of Mountain Street, Buade Street, Fabrique Street, and Saint John Street; Second, Palace Ward shall comprise all that Part of the Upper Town within the Fortifications, and not included in Saint Louis's Ward; Third, Saint Peter's Ward shall comprise all that Part of the lower Town bounded on the South by a Line drawn down the Middle of Sous-le-Fort Street, and prolonged in the same Direction to the River Saint Lawrence at the one End and to the Cliff under the Castle of Saint Louis at the other, and on the West by the Eastern Limit of the Parish of Saint Roch; Fourth, Champlain Ward shall comprise all that Part of the Lower Town lying

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between Saint Peter's Ward and the Limits of the said City ; Fifth, Saint Roch's Ward shall comprise all that Part of the Parish of Saint Roch which lies within the Limits of the said City of Quebec ; Sixth, Saint John's Ward shall comprise all that Space bounded by Saint Roch's Ward, the Fortifications, the Limits of the said City, and the Cime-du-Cap on the Bank of the Saint Lawrence.

And be it further ordained and enacted, That there shall be appointed and elected in the Manner herein-after mentioned one fit Person who shall be and be called the Mayor of the said City of Quebec, and a certain Number of fit Persons who shall be and be called Aldermen of the said City, and a certain Number of other fit Persons who shall be and be called Councillors of the said City, and such Mayor, Aldermen, and Councillors for the Time being shall be and be called the Council of the said City.

And be it further ordained and enacted, That it shall be lawful for the Governor of this Province for the Time being, by Letters Patent under the Great Seal of this Province, to nominate and constitute a fit and proper Person to be the first Mayor of the said City of Quebec, who shall be and continue in that Office until the First Day of December which will be in the Year of our Lord One thousand eight hundred and forty-two, and from that Time until another Person into the said Office shall be elected and sworn according to the Provisions herein-after expressed and declared ; and also, by the same Letters Patent, to nominate and constitute Six fit and proper Persons to be the first Aldermen of the said City who shall be and continue in that Office until the Day and Year last mentioned, and from that Time until other fit and proper Persons shall be elected and sworn into the said Office in their Places according to the Provisions herein-after expressed ; and likewise, by the same Letters Patent, to nominate and constitute Twelve fit and proper Persons to be the first Councillors of the said City of Quebec aforesaid, who shall be and continue in that Office until the Day and Year last mentioned, and from that Time until other fit and proper Persons shall into the said Office be elected and sworn according to the Provisions herein-after expressed.

And be it further ordained and enacted, That in case a Vacancy or Vacancies should occur in the said Offices of Mayor, Alderman, and Councillor, or any of them, at any Time previous to the said First Day of December which shall be in the Year of our Lord One thousand eight hundred and forty-two, it shall be lawful for the said Council of the said City of Quebec to elect a fit Person or Persons to fill up any such Vacancy or Vacancies of the said Offices of Mayor, Alderman, or Councillor, who shall be and continue in such Office or Offices until the Day and Year last aforesaid, and from that Time until another Person or Persons shall be elected and sworn into such Office or Offices according to the Provisions herein-after expressed.

And be it further ordained and enacted, That it shall be lawful for the said Council of the said City, from Time to Time, and at such Times as they may deem fit previous to the said First Day of December in the Year of our Lord One thousand eight hundred and forty-two, to appoint One Assessor for each of the said Wards of the said City respectively, who shall continue in Office for such Period of Time as by the said Council shall be fixed and limited, not extending beyond the Day and Year last mentioned ; and it shall also be lawful for the said Council to prescribe the Duties of such Assessors.

And be it further ordained and enacted, That no Person shall be capable of being appointed or elected an Alderman of the said City of Quebec unless he shall have been a resident Householder within the said City for One Year next before such Appointment or Election, and unless he shall be seised or possessed to his own Use of Real or Personal Estate, or both, within the said City, after Payment or Deduction of his just Debts, of the Value of One thousand Pounds Currency.

And be it further ordained and enacted, That no Person shall be capable of being appointed or elected a Councillor of the said City of Quebec unless he shall have been a resident Householder within the said City for One Year next before such Appointment or Election, and unless he shall be seised or possessed to his own Use of Real or Personal Estate, or both, within the said City, after Payment of his just Debts, of the Value of Five hundred Pounds Currency.

And be it further ordained and enacted, That the Councillors of the said City of Quebec, at the Periods herein-after appointed, shall be chosen by the

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Majority of Votes of such Persons, being Inhabitant Householders within the Ward for which such Election shall be had, as shall severally be possessed at the Time of the Election of a Dwelling House within the said Ward, held by them respectively in Freehold, or for a Term of Years, or for a Term not less than One Year, and who shall have been resident within the said City during One Year or more previous to any such Election, and who shall have resided within the particular Ward for which such Election shall be had not less than Three Months next before such Election; and Part of a Dwelling House in which an Inhabitant shall reside as a Householder, and not as a Boarder or Lodger, and having an outer Door by which a separate Communication with the Street may be afforded, shall be considered a Dwelling House within the Meaning of this Enactment: Provided always, that when and so soon as any Rate or Rates, Assessment or Assessments, shall be laid by and under the Authority of this Ordinance, no such Inhabitant Householder shall be entitled to vote at the Election of Councillors as aforesaid unless he shall have been rated to and in respect of the Rates or Assessments laid as aforesaid: And provided also, that after any such Rate or Assessment shall have been laid as aforesaid, every Male Person, though not a Householder, who shall have been resident in the said City during Three Years next preceding any such Election of Councillors, and who shall have occupied any Warehouse, Counting-house, or Shop within any of the said Wards of the said City during Three Months next preceding such Election, and shall have been rated for not less than One Year in respect of such Premises for such Rate or Assessment as aforesaid, shall be entitled to vote at the Election of Councillors to be had in the Ward in which such Premises shall be situated: And provided also, that no such Inhabitant Householder, or Occupier of a Warehouse, Counting-house, or Shop within the said City, shall be entitled to vote at any such Election of Councillors unless he shall have paid the Amount of all Rates and Assessments within the said City of Quebec that may have been due and payable by him before the holding of any such Election.

And be it further ordained and enacted, That no Person shall be capable of being appointed or elected Mayor, Alderman, or Councillor of the said City of Quebec, or of voting at any Election of City Officers, who shall not be a natural-born or naturalized Subject of Her Majesty, and of the full Age of Twenty-one Years; nor shall any Person be capable of voting, or of being elected at any such Election, who shall have been attainted for Treason or Felony in any Court of Law within any of Her Majesty's Dominions.

And be it further ordained and enacted, That no Person being in Holy Orders, or being a Minister or Teacher of any Dissenting or Religious Sect or Congregation, nor any Judge or Judges, Clerk or Clerks of any Court, nor any of the ministerial Law Officers of the Crown, nor any Person accountable for the City Revenues, or receiving any pecuniary Allowance from the City for his Services, nor any Officer or Person presiding at an Election of a Councillor or Councillors while so presiding, nor any Clerk or Assistant employed by him at any such Election, while so employed, shall be capable of being appointed or elected a Councillor for the said City.

And be it further ordained and enacted, That on the First Day of December which will be in the Year of our Lord One thousand eight hundred and forty-two, and on the same Day in every succeeding Year, the Inhabitant Householders, and Persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect from the Persons qualified to be Councillors Three fit and proper Persons to be Councillors for each of such Wards respectively, or so many as shall be required to supply the Places of those who shall then go out of Office, and also One fit and proper Person to be Assessor for each of the said Wards respectively: Provided always, that if the Day so appointed for such Election shall in any Year happen to be Sunday, or a Holiday, such Election shall take place the next following Day.

And be it further ordained and enacted, That on the First Day of December in the Year of our Lord One thousand eight hundred and forty-two, and in every succeeding Year, One Third of the Number appointed as aforesaid to be the Number of Councillors for the said City of Quebec shall go out of Office; and in the Year One thousand eight hundred and forty-three those who shall go out of Office shall be the Councillors who shall have been elected, under the Provisions of this Ordinance, by the smallest Number of Votes in

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the preceding Year; and in the Year One thousand eight hundred and forty-four those who shall go out of Office shall be the Councillors who shall have been elected, under the Provisions of this Ordinance, in the said Year One thousand eight hundred and forty-two, by the next smallest Number of Votes; and if any Two or more of the said Councillors shall have been elected by an equal Number of Votes, then it shall be determined by the Majority of the whole Council which of the said Councillors so elected shall then go out of Office, and thereafter those who shall go out of Office shall always be the Councillors who shall have been for the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected if then qualified as required by this Ordinance.

And be it further ordained and enacted, That the first Election of Councillors to be had as aforesaid on the First Day of December which will be in the Year of our Lord One thousand eight hundred and forty-two, and all subsequent Elections of Councillors to be had under the Provisions of this Ordinance, shall be held at convenient Places in the said several Wards of the said City, and shall respectively be held by and before such of the Aldermen or Councillors of the said City as may by the Mayor of the said City for the Time being be appointed, or, in case of Vacancy in the Office of Mayor, by the Council of the said City.

And be it further ordained and enacted, That at Elections of Councillors as aforesaid the Poll shall be opened at Nine o'Clock in the Forenoon, and shall continue open till Four o'Clock in the Afternoon of the same Day; and the Name of each Elector voting at such Election shall be written in Poll Lists to be kept at such Election, by the Officer or Person holding the same; and after finally closing the Poll at any such Election, the Officer or Person by whom the same shall be held shall forthwith proceed publicly to declare the Number of Votes given for each Candidate or Person for whom Votes shall have been taken, and shall declare the Person or Persons having the Majority of Votes in his or their Favour to be duly elected Councillor or Councillors as aforesaid; and if there should be, at the final closing of the Poll as aforesaid, an equal Number of Votes polled for Two or more Persons to be Councillors as aforesaid, it shall be lawful for the Officer or Person holding such Election, and he is hereby required, whether otherwise qualified or not, to give a Vote for one or other of the Persons having such Equality of Votes, in order to give a Majority to one of them, and determine the Election; and the Poll Lists kept at such Elections shall, by the Officers or Persons holding the same, be delivered, within Three Days after the Conclusion of every such Election, to the Clerk of the City, to remain in his Office, where they shall be open to Inspection by any Elector, on the Payment of a Fee of One Shilling.

And be it further ordained and enacted, That Persons entitled to vote at the Election of Councillors as aforesaid shall vote within the particular Ward in which the Property constituting their Qualification to vote shall be situated, and not otherwise; and if any such Person shall be possessed of Property entitling him to vote in Two or more Wards, he shall be entitled to vote in that Ward only in which he may reside.

And be it further ordained and enacted, That it shall be lawful for the said Council of the said City, by a Bye Law or Bye Laws to be enacted in this Behalf, to make Provision for the making of Lists, and a Registration of all Persons qualified to vote at Elections of Councillors and other City Officers in the said City, whereby the Right to vote at such Elections may be determined; and until such Provisions shall have been made by such Bye Law or Bye Laws, every Person desirous of voting at any Election of Councillors as aforesaid shall, before he be permitted to vote, if required by the Officer or Person holding any such Election, or by any Person qualified to vote at the same, make Oath to the Particulars of his Qualification, and that he has not before voted at such Election, which Oath the Officer or Person holding such Election is hereby authorized and required to administer.

And be it further ordained and enacted, That after Provision shall have been made, by a Bye Law or Bye Laws as aforesaid, for the making of Lists, or a Registration of Persons qualified to vote, whereby the Right in Individuals to vote may be determined as aforesaid, every Person desirous of voting at

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any Election of a Councillor or Councillors as aforesaid shall, before he be permitted to vote, produce a Certificate under the Hand of the proper Officer of his Qualification, pursuant to any such Bye Law, and shall, if required by the Officer or Person holding such Election, or by any Person qualified to vote at the same, take the following Oath, which the said Officer or Person holding such Election is hereby authorized and required to administer; that is to say:

'I do swear that I am the Person described in the Certificate that I now produce, and that I have not before voted at this Election. So help me God.'

And be it further ordained and enacted, That if any Person shall knowingly swear falsely as to any of the Particulars of his alleged Qualification, in pursuance of the preceding Nineteenth Section of this Ordinance, or if he shall knowingly swear falsely in taking the Oath prescribed by the preceding Twentieth Section of this Ordinance, he shall be deemed guilty of wilful and corrupt Perjury, and suffer the Pains and Penalties provided by Law in Cases of wilful and corrupt Perjury.

And be it further ordained and enacted, That if at any Election of a Councillor or Councillors as aforesaid any Person shall be elected a Councillor for more than One Ward of the said City, he shall, within Three Days after Notice thereof, make his Option, or, on his Default, the Mayor of the said City shall declare for which one of the said Wards such Person shall serve as Councillor, and thereupon such Person shall be held to have been elected in that Ward only, and in no other.

And be it further ordained and enacted, That on the First Day of December which will be in the Year of our Lord One thousand eight hundred and forty-two the Councillors who shall be first elected under the Provisions of this Ordinance, and on the Ninth Day of December in the Year One thousand eight hundred and forty-five, and in every succeeding Third Year, the said Council of the said City for the Time being shall elect, from the Councillors composing the said Council, Six Persons to be Aldermen of the said City, or so many as shall be required to supply the Places of those who shall go out of Office, according to the Provisions herein-after contained; and that on the Ninth Day of December in the Year One thousand eight hundred and forty-five, and in every succeeding Third Year, One Half of the Number appointed as aforesaid to be the entire Number of Aldermen of the said City shall go out of Office; and the Councillors composing the said Council, immediately after the first Election of Aldermen to be had as aforesaid, shall designate the Aldermen who shall go out of Office in the Year One thousand eight hundred and forty-five, and thereafter those who shall go out of Office shall always be those who have been Aldermen for the longest Time without Re-election: Provided always, that any Aldermen so going out of Office may be forthwith re-elected if then qualified as required by this Ordinance: And provided also, that the Aldermen so going out of Office shall not be entitled to vote in the Election of the Aldermen who are to supply their Places: And provided also, that if the Ninth Day of December in any Year in which Elections are to be had as aforesaid shall happen to be Sunday, or a Holiday, such Elections respectively shall be had on the next following Day.

And be it further ordained and enacted, That the Mayor and Aldermen to be elected according to the Provisions of this Ordinance shall, during their respective Offices, continue to be Members of the Council of the said City, notwithstanding the Provisions herein contained by which the Duration of the Office of Councillor is limited to a certain Time.

And be it further ordained and enacted, That on the Ninth Day of December in the Year One thousand eight hundred and forty-two, and in every succeeding Year, the Members of the said Council shall elect, from Persons qualified to be Councillors, by a Majority of Votes, Two Persons who shall be and be called Auditors of the said City of Quebec, and every such Auditor shall continue in Office until the Ninth Day of December in the Year following his Election: Provided always, that in every such Election of Auditors, no Member of the said Council shall vote for more than One Person to be such Auditor as aforesaid: And provided also, that no Member of the said Council, nor the Clerk, nor the Mayor of the said City, shall be capable of being elected an Auditor as aforesaid.

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And be it further ordained and enacted, That if any extraordinary Vacancy shall occur in the Office of Councillor of the said City after the first Election of Councillors to be had as aforesaid, the Inhabitant Householders and Persons qualified to vote shall, on a Day to be fixed by the Mayor (such Day not being later than Ten Days after such Vacancy), elect, from the Persons qualified to be Councillors, another Person, duly qualified, to supply such Vacancy; and such Election shall be held and the voting and other Proceedings be conducted in the same Manner, and subject to the same Provisions, as are herein-before enacted with respect to the Elections of Councillors to be had as aforesaid; and every Person so elected shall hold such Office until the Period at which the Person in the Room of whom he shall have been chosen would in the ordinary Course have gone out of Office, when he shall go out of Office, but shall be capable of immediate Re-election if then qualified as required by this Ordinance: Provided always, that no Election shall take place to supply any such extraordinary Vacancy unless the Number of Councillors remaining after such Vacancy shall not exceed Two Thirds of the whole Number composing the Council.

And be it further ordained and enacted, That on the Ninth Day of December in the Year of our Lord One thousand eight hundred and forty-two, and on the same Day in every succeeding Year, the said Council of the said City shall elect, out of the Aldermen and Councillors of the said City, a fit Person to be Mayor of the said City, who shall continue in Office for One whole Year; and in case a Vacancy shall occur in the said Office of Mayor, by reason of any Person who shall have been elected to that Office not accepting the same, or by reason of his dying, or ceasing to hold the said Office, the said Council of the said City shall, within Ten Days after such Vacancy, elect, out of the Aldermen and Councillors of the said City, another fit Person to be Mayor thereof for the Remainder of the Period for which the Mayor whose Place is to be supplied was to serve.

And be it further ordained and enacted, That no Person appointed or elected to be Mayor, Alderman, Councillor, Auditor, or Assessor, as aforesaid, shall be capable of acting as such, except in administering the Oaths herein-after mentioned, until he shall have made and subscribed before any Two or more of such Aldermen or Councillors (who are hereby respectively authorized and required to administer the said Oaths to each other) the Oath of Allegiance to Her Majesty, Her Heirs and Successors, and also an Oath in the Words or to the Effect following; (that is to say,)

' I A. B. having been appointed or elected [as the Case may be] Mayor [or Alderman, Councillor, Auditor, or Assessor, as the Case may be,] for the City of Quebec, do sincerely and solemnly swear, That I will faithfully fulfil the Duties of the said Office, according to the best of my Judgment and Ability; and that I am seised or possessed for my own Use of Real or Personal Estate, or both, in the said City of Quebec, after the Payment or Deduction of my just Debts, of the Value of _____ and that I have not fraudulently or collusively obtained the same, or a Title to the same, for the Purpose of qualifying myself to be appointed [or elected, as the Case may be,] Mayor [Alderman, Councillor, Auditor, or Assessor, as the Case may be,] as aforesaid. So help me God.'

And be it further ordained and enacted, That every Person, duly qualified, who shall be appointed or elected to the Office of Alderman, Councillor, or Assessor of the said City, and every Person, Alderman, or Councillor who shall be appointed or elected to the Office of Mayor of the said City, shall accept the Office to which he shall have been so appointed or elected, or shall, in default thereof, pay to the Treasurer of the said City, to and for the Use of the said City, a Fine, as follows: — for Non-acceptance of the Office of Alderman or Councillor a Fine of Fifty Pounds, for Non-acceptance of the Office of Auditor or Assessor a Fine of Fifty Pounds, and for Non-acceptance of the Office of Mayor a Fine of One hundred Pounds; and every such Fine, if not duly paid, shall be levied under the Authority of a Warrant of any Justice of the Peace having Jurisdiction within the said City, who is hereby required, on the Application of the said Council of the said City, to issue the same, by Distress and Sale of the Goods and Chattels of the Person so refusing to accept such Office, with the reasonable Charges of such Distress; and every Person so elected shall accept such Office by taking the Oath of Allegiance,

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and making and subscribing the Declaration herein-before mentioned, within Four Days after Notice of his Election, and in default thereof shall be liable to pay the Fine aforesaid as for his Non-acceptance of such Office, and such Office shall thereupon be deemed to be vacant, and shall be filled up by a new Election to be made in the Manner herein-before prescribed: Provided always, that no Person disabled by Lunacy or Imbecility of Mind shall be liable to such Fine as aforesaid; and provided also, that every Person so elected to any such Office who shall be above the Age of Sixty-five Years, or who shall already have served such Office, or paid the Fine for not accepting such Office, within Five Years next preceding the Day on which he shall be so re-elected, shall be exempted from accepting or serving the same Office, if he shall claim such Exemption within Five Days after Notice of his Election; and provided also, that no Military, Naval, or Marine Officer in Her Majesty's Service, nor full Pay, nor the Members of the Legislature of this Province, the Members of the Executive Council, the Surveyor General, the Adjutant General of Militia, the Provincial Secretary, the Deputy Postmaster General and his Deputies, Custom House Officers, the Sheriffs and Coroners, the Clerks and Commissioned Officers of the Legislature and of the Executive Council, and Schoolmasters, shall be held or bound to accept any such Office as aforesaid, or any other Office in the said City.

And be it further ordained and enacted, That if any Person holding the Office of Mayor, Alderman, or Councillor shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief of Insolvent Debtors, or shall compound by Deed with his Creditors, or, being Mayor, shall be absent from the said City for more than Two Calendar Months, or, being an Alderman or Councillor, for more than Six Months, at one and the same Time, (unless in case of Illness,) then and in every such Case such Person shall thereupon immediately become disqualified, and shall cease to hold such Office of Mayor, Alderman, or Councillor as aforesaid, and in the case of such Absence shall be liable to the same Fine as if he had refused to accept such Office, to be recovered and applied in the same Manner.

And be it further ordained and enacted, That the Mayor of the said City for the Time being shall be a Justice of the Peace for the City and District of Quebec; and it shall be lawful for the said Common Council, from and out of the Monies belonging to the said City, to grant and allow to the said Mayor for the Time being, in lieu of all Fees and Perquisites, such Salary, not exceeding Three hundred Pounds and not less than One hundred Pounds, as the said Council shall think fit.

And be it further ordained and enacted, That it shall be lawful for the said Council of the said City, from Time to Time as Occasion may require, to appoint a fit and proper Person, not being a Member of the Council, to be Clerk of the said City, and another fit Person, not being a Member of the said Council, and not being City Clerk, to be the Treasurer of the said City, One or more fit Person or Persons, not being of the Council, to be Clerk or Clerks of the Markets of the said City, and One Surveyor of Highways, Streets, and Bridges, and such Number of Overseers of Highways, Streets, and Bridges, as they may deem necessary, and One Collector for each of the Wards of the said City, One or more Pound-keeper or Pound-keepers for the said City, and such other Officers as they may think necessary to enable them to carry into execution the Powers vested in them by this Ordinance, and to prescribe and regulate the Duties of all such Officers respectively, and at their Pleasure to remove any such Officer, and appoint another in his Place; and the said Council shall take such Security for the due Execution of the Offices of City Clerk, Treasurer, or other Officer as they shall think proper, and shall and may grant and allow to the City Clerk, Treasurer, and other Officers to be appointed as aforesaid such Salary, Allowance, or other Compensation for their Services as they may think fit.

And be it further ordained and enacted, That the Treasurer of the said City shall not pay any Monies in his Hands as such Treasurer otherwise than upon an Order in Writing of the Council of the said City, signed by Three or more Members of the said Council, and countersigned by the Clerk of the City, or on the Order in Writing of a Court of Justice or Magistrate authorized by Law to make such Order.

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And be it further ordained and enacted, That the Clerk, Treasurer, and other Officers of the said City, appointed by the Council as aforesaid, shall respectively, at such Times during their Continuance in Office, and within Three Months after they shall respectively cease to be in Office, and in such Manner as the said Council shall direct, deliver to the said Council, or to such Person as they shall authorize to receive the same, a true Account in Writing of all Matters committed to their Charge by virtue or in pursuance of this Ordinance, and also of all Monies which shall have been by them respectively received by virtue or for the Purposes of this Ordinance, and how much thereof shall have been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments; and every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Council shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such Person as they shall authorize to receive the same, within Three Days after being thereunto required by the said Council, all Books, Documents, Papers, and Writings in his Custody or Power, as such Officer as aforesaid, then and in every such Case, on Complaint made on behalf of the said Council, by such Person as they shall authorize for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the District or County wherein such Officer shall reside or be, such Justice of the Peace shall be and is hereby authorized and required to issue a Warrant under his Hand and Seal for bringing any such Officer before any Two Justices of the Peace for such District or County; and upon the said Officer not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the Matter in a summary Manner; and if it shall appear to such Justices that any Monies remain due from such Officer, such Justices may and they are hereby authorized and required, on Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer, and if sufficient Goods and Chattels shall not be found to satisfy the said Monies and the Charges of the Distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Account, or the Vouchers relating thereto, or that any Books, Documents, Papers, or Writings which were or are in the Custody or Power of such Officer in his official Capacity have not been delivered as aforesaid, or are wilfully withheld, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the District or County where such Officer shall reside or be, there to remain, without Bail, until he shall have paid such Monies as aforesaid, or shall have made Satisfaction to the said Council, or until he shall have delivered a true Account as aforesaid, together with such Vouchers as aforesaid, or until he shall have delivered up such Books, Documents, Papers, and Writings, or have given Satisfaction in respect thereof to the said Council: Provided always, that no Person so committed shall be detained in Prison for Want of sufficient Distress only for a longer Space of Time than Three Calendar Months; provided also, that nothing in this Ordinance contained shall prevent or abridge any Remedy by Action against any such Officer so offending as aforesaid, or against any Surety for any such Officer, but the Remedy afforded by this Ordinance and the Remedy by Action shall not be exercised for the same Cause.

And be it further ordained and enacted, That the Treasurer of the said City shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid as such Treasurer, and of the several Matters for which such Sums shall have been received and paid; and the Books containing the said Accounts shall at all seasonable Times be open to the Inspection of any of the Aldermen or Councillors of the said City; and all the Accounts of the said Treasurer, with all Vouchers and Papers relating thereto, shall, in the Months of May and November in every Year, be submitted by such Treasurer to the Auditors elected for the said City as aforesaid, and to such Number of the said Council as the Mayor of the said City shall name, on the First Day of May in every Year, or, in case of any extraordinary Vacancy of Office, within Ten Days next after such Vacancy, for the Purpose of being examined and audited from the First Day of November in the Year preceding

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to the First Day of May, and from the First Day of May to the First Day of November, in the Year in which the said Auditors shall have been elected and named; and if the said Accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said Accounts shall have been so examined and audited in the Month of November in every Year, the Treasurer shall make out in Writing and cause to be printed a full Abstract of his Accounts for the Year, and a Copy thereof shall be open to the Inspection of all the Rate-payers of the said City, and Copies thereof shall be delivered to all Rate-payers of the said City applying for the same, on Payment of a reasonable Price for each Copy.

And be it further ordained and enacted, That in all Meetings of the said Council to be held in pursuance of this Ordinance a Majority of the Members present at such Meetings shall determine all Questions and Matters submitted to or under the Consideration of the said Council, provided that the Number present at the said Meetings be not less than One Third Part of the entire Number of Councillors composing the said Council; and at all such Meetings the Mayor of the said City, if present, shall preside, and in case of his Absence, such Alderman, or in the Absence of all the Aldermen, such Councillor as the Members of the Council so assembled shall choose to be Chairman of any such Meetings, shall preside at the same; and in case of an Equality of Votes the Mayor, or Chairman presiding, shall have a casting Vote.

And be it further ordained and enacted, That there shall be in each Year Four Quarterly Meetings of the said Council, which shall be held on the following Days; that is to say, on the Second Monday of the Months of December, March, June, and September in each and every Year, and the said Meetings shall not at any One Time be held for a longer Period than Three successive Days, in which Sunday shall not be included.

And be it further ordained and enacted, That it shall be lawful for the Mayor of the said City to call a Special Meeting of the said Council when and as often as he may deem it proper, after Three Days previous Notice thereof; and in case the Mayor should refuse to call any such Meeting after a Requisition for that Purpose, signed by Five or more Members of the said Council, it shall be lawful for such Five or more Members to call a Meeting of the said Council, after Three Days previous Notice, which Notice shall specify the Business for which the proposed Meeting is to be held, and shall be signed by the said Members; and in all Cases of such Special Meetings as aforesaid a Summons to attend the Council, specifying the Business to be transacted at such Meetings, and signed by the City Clerk, shall be left at the usual Place of Abode of every Member of the said Council, Three Days at least before such Meeting.

And be it further ordained and enacted, That Minutes of the Proceedings of all Meetings to be held as aforesaid shall be drawn up and fairly entered in a Book to be kept for that Purpose, and shall be signed by the Mayor, Alderman, or Councillor presiding at such Meeting; and the said Minutes shall be open to the Inspection of all Persons qualified to vote at the Election of Councillors, on Payment of a Fee of One Shilling, and the said Meetings shall be held with open Doors.

And be it further ordained and enacted, That it shall be lawful for the said Council to appoint, from and out of the Members composing such Council, such and so many Committees, consisting of such Number of Persons as they may think fit, for the better Transaction of the Business before such Council, and for the Discharge of such Duties within the Scope of their Powers as may be by the said Council prescribed, but subject in all Things to the Approval, Authority, and Control of the said Council.

And be it further ordained and enacted, That it shall be lawful for the said Council of the said City, at a Meeting or Meetings of the said Council composed of not less than Two Thirds of the Members thereof, to make such Bye Laws as to them shall seem meet for the good Rule, Peace, Welfare, and Government of the said City, and for raising, assessing, and applying such Monies as may be required for the Execution of the Powers with which the said Council is hereby invested, and for maintaining in the said City a good and efficient System of Police, in such Manner as may by Law be provided, either by imposing Tolls and Rates to be paid in respect of any Public Works within the said City, or by means of a Rate or Assessment to be assessed and

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levied on Real or Personal Property, or both, within the said City or upon the Owners or Occupiers thereof, in respect of such Property, provided that such Assessment shall not in any One Year exceed One Shilling in the Pound on the assessed Value of the Property lying and being within the said City, or by imposing a Duty or Duties on Sales by Auction, not in any Case to exceed One per Cent. on such Sales, to be paid by the Purchaser, and on the Keepers of Houses of public Entertainment, and the Retailers of Spirituous Liquors, and on Hawkers, Pedlars, and Petty Chapmen within the said City; and to impose by such Bye Laws such Fines not exceeding Five Pounds, and such Imprisonment not exceeding Thirty Days, as they may deem proper for enforcing the same.

Provided always, and be it further ordained and enacted, That a Copy of every Bye Law to be made by virtue of this Ordinance shall be transmitted, with all convenient Speed after the making thereof, to the Governor of this Province for the Time being, and it shall be lawful for the said Governor, by and with the Advice of the Executive Council of this Province, within Three Months from and after the Receipt of such Copy, to disallow any such Bye Law, and such Disallowance shall without Delay be signified to the Mayor of the said City, and thenceforward such Bye Law shall be void and of no Effect: Provided also, that all Bye Laws repugnant to any Law of the Land, or to any Act of the Legislature of this Province, shall be null and void.

And be it further ordained and enacted, That all and every the Powers and Authorities which in and by any of the Acts of the Legislature of this Province, and in and by any Ordinance or Law in force in this Province, have been and are vested in the Court of Quarter Sessions of the Peace for the District of Quebec, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Quebec, or any of them, for, touching, or concerning the laying out, making, erecting, keeping in repair, and regulating the Highways, Bridges, Streets, Squares, Laues, Causeways, Pavements, Drains, Ditches, Embankments, Watercourses, Sewers, Market Houses and Weigh-houses, and other public Erections and Works, in the said City of Quebec, or any of them; and for, touching, or concerning the dividing of the said City into Divisions, and the Appointment of Overseers of Highways, Streets, and Bridges in the said City; and for, touching, and concerning the laying, imposing, raising, levying, collecting, applying, paying, and accounting for a Rate or Rates of Assessment upon Occupiers of Lands, Lots, Houses, and Buildings, in proportion to the annual Value thereof, within the said City of Quebec; and for, touching, or concerning the making of Rules and Regulations of Police within the said City of Quebec; and for, touching, and concerning the making of Rules and Regulations to restrain, rule, and govern the Apprentices, Domestic, hired Servants, and Journeymen, and for the Conduct of Masters and Mistresses towards their said Apprentices, Domestic, hired Servants, and Journeymen, within the said City of Quebec; and for and touching the raising, receiving, Appropriation, and Application of any public Monies, by Assessment or otherwise, within the said City; and for, touching, or concerning the Improvement, Cleanliness, Health, internal Economy, and local Government of the said City of Quebec, shall, from and after the passing of this Ordinance, become and be vested in and exercised by the said Council of the said City of Quebec.

Provided always, and be it further ordained and enacted, That all and every the Rules, Orders, Regulations, and Acts of Authority, for, touching, or concerning the several Matters in the next preceding Section of this Ordinance, which may be in force at the Time of the passing of this Ordinance, shall continue, be, and remain in full force and virtue until the same shall be rescinded, repealed, or altered by the said Council of the said City of Quebec, under the Authority of this Ordinance, or by other competent legal Authority.

And be it further ordained and enacted, That all and every the public Monies raised by Assessment or otherwise in the said City of Quebec which at the Time of the passing of this Ordinance shall be in the Hands of the Road Treasurer of the said City, and all Monies which shall be due or payable on account of any Assessment or Composition for Statute Labour, or for the Use of the said City, and all Monies appropriated by Law for the watching and lighting of the said City, and all Real and Personal Property within the said City now subject to the Management, Control, or Authority of the Justices of the Peace for the said District of Quebec, or any of them, and all and every the

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the Books of Assessment, Receipts, or Accounts of the Treasurers and Road Treasurers of the said City, Plans, Titles, Documents, and Papers relating to the said City, and of a public Nature, shall, from and after the passing of this Ordinance, become and be subject to the Power, Authority, Order, and Control of the said Council of the said City, and shall be paid and delivered up by the Officers and Persons in whose Custody or Possession they may now be, to such Person or Persons, and at such Time and Times, and in such Manner, as by the said Council may be ordered and directed.

Provided always, and be it further ordained and enacted, That all and every the public Monies raised or to be raised by Assessment as aforesaid, and all Monies due and payable as aforesaid, as well as all other Monies hereafter to be raised by and under the Authority of this Ordinance, shall be charged and chargeable with the Debts which have been legally contracted by the late Corporation of the City of Quebec, and remain due and unpaid, and with the Debts, Sum and Sums of Money, which have been or may be incurred and become payable from and out of the public Monies raised or to be raised for public Uses within and for the said City and Town of Quebec, or either of them, under the Provisions of Law in this Behalf made, or by or under the Authority of the Justices of the Peace for the District of Quebec, or any of them; and all such Debts and Sums of Money shall be payable from and out of the Monies aforesaid.

And be it further ordained and enacted, That it shall not be lawful for the said Council of the said City of Quebec to borrow on the Credit of the said City at one Time any Sum or Sums of Money exceeding the aggregate Amount of the Revenues of the said City for Five Years; nor shall any Sum or Sums of Money be so borrowed while the said City shall be in debt to such aggregate Amount, unless the said Council shall be authorized in this Behalf by an Act of the Legislature of this Province.

And be it further ordained and enacted, That so much of a certain Act passed in the Thirty-sixth Year of the Reign of His late Majesty King George the Third, intituled "An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other Purposes," as provides for the Appointment of Assessors, and of a Road Treasurer for the said City of Quebec, and also a certain Act of the Legislature of this Province passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to increase the Number of Assessors for the Cities of Quebec and Montreal," and also so much of a certain other Act of the Legislature of this Province passed in the Thirty-ninth Year of the Reign of His late Majesty King George the Third, intituled "An Act to amend an Act passed in the Thirty-sixth Year of His present Majesty's Reign, intituled 'An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other Purposes,'" as provides for the Appointment of a Surveyor of the Highways, Streets, Lanes, and Bridges in the said City of Quebec, by the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall, from and after the passing of this Ordinance, be and the same are hereby repealed, and all and every the Powers, Authority, and Duties which in and by the said Acts and any other Act or Acts of the Legislature of this Province were and are vested in and imposed on the said Assessors appointed or to be appointed in pursuance of the Provisions of the said Act passed in the Thirty-sixth Year aforesaid, and the Power and Duties of the said Road Treasurer, and of the said Surveyor of Highways, Streets, and Bridges in the said City, appointed or that might be appointed under the said Act passed in the Thirty-sixth Year aforesaid, shall, from and after the passing of this Ordinance, become and be vested in and imposed on the Assessors to be elected and appointed in pursuance of this Ordinance, and on the Treasurer of the said City, and on the Surveyor of Highways for the said City of Quebec, to be appointed under the same Authority respectively.

Provided always, and be it further ordained and enacted, That nothing in this Ordinance contained shall extend or be construed to extend to the Repeal of any Law, or the Provisions of any Law, conferring Power or Authority on the Court of Quarter Sessions for the District of Quebec, or on the Justices of the Peace for the said District, or any of them, touching or in respect of all or any of those Parts of the Parish of Quebec not comprised in the City and Town of Quebec, and that all such Power and Authority shall continue to

subsist in respect of such Parts of the said Parish and the Inhabitants thereof as if this Ordinance had not been passed.

And be it further ordained and enacted, That a certain Ordinance made and passed by the Governor of this Province, by and with the Advice and Consent of the Special Council for the Affairs thereof, in the Second Year of Her Majesty's Reign, intituled "An Ordinance to suspend for a limited Time certain Parts of Two Ordinances therein mentioned as far as the same relate to the City of Quebec, and to establish a Society therein for preventing Accidents by Fire," and all and singular the Provisions therein contained, and also so much of a certain Ordinance made and passed by the Captain General and Governor in Chief of the late Province of Quebec, by and with the Advice and Consent of the Legislative Council of the said Province, in the Seventeenth Year of the Reign of His late Majesty King George the Third, intituled "An Ordinance for preventing Accidents by Fire," as vests in the Governor, Lieutenant Governor, or other the Commander in Chief of the said Province, the Power of appointing an Overseer to prevent Accidents by Fire in the said City of Quebec, shall, at the Expiration of Nine Calendar Months from and after the passing of this Ordinance, be and remain repealed; and thenceforward it shall be lawful for the said Council of the said City of Quebec, from Time to Time and as Occasion may require, to appoint a fit and proper Person, not being a Member of the said Council, to be an Overseer to prevent Accidents by Fire in the said City of Quebec, and at their Pleasure to revoke such Appointment, and appoint another Person to be such Overseer as aforesaid; and all and every the Powers, Authority, and Duties which in and by the said last-mentioned Ordinance, and any other Ordinance or Law in force in this Province, were and are vested in and imposed on the Office of Overseer, to prevent Accidents by Fire in the said City of Quebec, shall become and be vested in and imposed on such Overseer to be appointed by the said Council in pursuance of this Ordinance as aforesaid.

And be it further ordained and enacted, That every Officer who may be in or entitled to any Office at the Time of the passing of this Ordinance under Appointments by the Executive Government of this Province, to which Office by the Provision herein contained the Power of Appointment is conferred on the Council of the said City, and which Office shall be abolished, or who shall not be continued in Office after the passing of this Ordinance, shall be entitled to a reasonable Compensation, to be assessed by the said Council, and paid out of the Funds of the said City, for the Salary, Fees, and Emoluments of the Office which he shall so cease to hold; and in case the Person claiming such Compensation should think himself aggrieved by the Determination of the said Council on his Claim, it shall be lawful for him to apply for and obtain a Revision of such Determination by the Governor of this Province in Council, who shall thereupon make such Order in Council as to him shall seem just, which Order shall be binding on the Parties respectively.

Provided always, and be it further ordained and enacted, That nothing in this Ordinance shall extend to revoke, alter, or abridge, or in any Manner affect, the Power and Authority now by Law vested or which may hereafter be vested in the Master, Deputy Master, and Wardens of the Trinity House of Quebec, in respect of the Port and Harbour of Quebec.

Provided also, and be it further ordained and enacted, That nothing in this Ordinance contained shall in any Manner derogate from or affect, or be construed to derogate from or affect, the Rights of Her Majesty, Her Heirs or Successors, except in so far as the same may be specially affected by the Provisions of this Ordinance.

And be it further ordained and enacted, That the Words "Governor of this Province," wherever they occur in the said Enactments, are to be understood as meaning and comprehending the Governor or Person authorized to execute the Commission of Governor within this Province for the Time being.

And be it further ordained and enacted, That this Ordinance, and the Provisions herein contained, shall not cease or expire on the First Day of November which will be in the Year of our Lord One thousand eight hundred and forty-two, but shall be and remain a permanent Law, and in full Force, until the same shall be repealed or altered by competent Legislative Authority.

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No. 118.

Incorporating the
City and Town of
Quebec.

No. 148.

Incorporating the
City and Town of
Québec.

And be it further ordained and enacted, That this Ordinance shall be held and taken to be a Public Act, and shall be judicially taken notice of and have the Effect of a Public Act without being specially pleaded.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 149.

No. 149.

Incorporating the
City and Town of
Montreal.

An Ordinance to incorporate the City and Town of Montreal.

[Passed 25th June 1840.]

WHEREAS, for the better Protection, Care, and Management of the local Interests of the Inhabitants of the City and Town of Montreal, and for the Municipal Government and the Improvement thereof, it is expedient that the said City and Town be incorporated; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament, passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Inhabitants of the said City and Town of Montreal, and their Successors Inhabitants of the same, shall be and they are hereby constituted a Body Corporate and Politic, in Fact and in Name, by and under the Name, Style, and Title of "The Mayor, Aldermen, and Citizens of the City of Montreal," and as such shall have perpetual Succession, and a Common Seal, with Power to break, renew, change, and alter the same at pleasure, and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other Places, in all Manner of Actions, Causes, and Matters whatsoever, and of accepting, taking, purchasing, and holding Goods and Chattels, Lands and Tenements, real and personal, moveable and immoveable Estates, and of granting, selling, alienating, assigning, demising, and conveying the same, and of entering into and becoming a Party to Contracts, and of granting and accepting any Bills, Bonds, Judgments, or other Instruments or Securities, for the Payment or securing of the Payment of any Money borrowed or lent, or for the Performance or securing the Performance of any other Duty, Matter, or Thing whatsoever.

And

And be it further ordained and enacted, That the Tract of Land which in and by a certain Proclamation of his Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the said Province, and bearing Date the Seventh Day of May in the Year of our Lord One thousand seven hundred and ninety-one, was and is described as being comprehended within the City and Town of Montreal, and which it was therein declared should be thenceforward called by that Name, shall from and after the passing of this Ordinance constitute and be and be called the City of Montreal.

And be it further ordained and enacted, That for the Purposes of this Ordinance the said City of Montreal shall be and is hereby divided into Six Wards, to be called respectively East Ward, Centre Ward, West Ward, Queen's Ward, Saint Lawrence Ward, and Saint Mary's Ward.

And be it further ordained and enacted, That the said Wards of the City of Montreal shall be divided, bounded, and limited as follows; that is to say, the East Ward of the said City, on the South-east, by that Part of the River Saint Lawrence opposite to and extending from Lacroix Street to the Extremity of Walker Lane; on the South-west by the Middle of Walker Lane and Saint Gabriel Street to Craig Street; on the North-west by the Middle of Craig Street from Saint Gabriel Street aforesaid to Sanguinet Street, and continuing down Sanguinet Street until it meet Saint Louis Street, from thence along the Middle of the said Saint Louis Street to where the said Saint Louis Street meets Lacroix Street aforesaid; lastly, on the North-east by the Centre of Lacroix Street from Saint Louis Street aforesaid to the River or Point of Departure. The Centre Ward of the said City shall be divided, bounded, and limited as follows; that is to say, on the South-east by that Part of the River Saint Lawrence opposite to and extending from the Middle of Walker Lane to the Middle of the Extremity of Callières Street; on the South-west by the Middle of said Callières Street, and crossing the Interval between said Callières Street and François Xavier Street, by the Middle of said François Xavier Street to Craig Street; on the North-west by the Middle of Craig Street to Gabriel Street; and lastly, on the North-east by the Middle of the said Gabriel Street and Walker Lane to the River or Point of Departure. The West Ward of the said City shall be divided, bounded, and limited as follows; that is to say, on the South-east by that Part of the River Saint Lawrence opposite to and extending from the Middle of the Extremity of Callières Street to the Middle of the Extremity of Grey Nuns Street; on the South-west by the Middle of the said Grey Nuns Street to the Middle of William Street, to the Bottom of M'Gill Street, continuing on the South-west by the Middle of M'Gill Street, and by the Middle of Commissioners Square, to Fortification or Glacis Lane, thence Westerly to where Fortification or Glacis Lane joins the Middle of Saint Radegonde Street, and thence by the Middle of Saint Radegonde Street to Craig Street; on the North-west by the Middle of Craig Street as far as Saint François Xavier Street; and lastly, on the North-east by the Middle of Saint François Xavier Street and Callières Street to the River or Point of Departure. The Queen's Ward shall be bounded as follows; the South-west Side of Grey Nuns Street, commencing at the River Saint Lawrence, and continuing to William Street, the North west Side of William Street, thence to M'Gill Street, the South-west Side of M'Gill Street, thence to Commissioners Square, thence the South-east and South-west Sides of Commissioners Square, and the South-west Side of Saint Radegonde Street, to Lagauchetière Street, thence the North-west Side of Lagauchetière Street to Alexander Street, thence the South-west Side of Alexander Street to Saint Catherine Street, thence the South-east Side of Saint Catherine Street to City Councillors Street, thence the South-west Side of City Councillors Street to Sherbrooke Street, thence the North-west Side of Sherbrooke Street to Durocher Street, thence the South-west Side of Durocher Street and the Extension of the same to the City Boundary Line, thence along the same as far as it may extend towards the South-west, thence along the said Line in a South-east Direction to the River Saint Lawrence, and thence to the Place of Beginning. The Saint Lawrence Ward shall be bounded as follows; the North-west Side of Craig Street, commencing at Sanguinet Street, and continuing to Radegonde Street, thence the North-east Side of Radegonde Street to

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Montreal.

Lagauchetière Street, thence the South-east Side of Lagauchetière Street to Alexander Street, thence the North-east Side of Alexander Street to Saint Catherine Street, thence the North-west Side of Saint Catherine Street to City Councillors Street, thence the North-east Side of City Councillors Street to Sherbrooke Street, thence the South-east Side of Sherbrooke Street to Durocher Street, thence the North-east Side of Durocher Street to the City Boundary Line, thence along the said Line towards the North-east until the same joins the Extension of Sanguinet Street, thence the South-west Side of Sanguinet Street to Craig Street or the Place of Beginning. The Saint Mary's Ward shall be bounded as follows; all such Boundaries hereinafter mentioned to be comprised within the said Ward; namely, the North-east Side of Lacroix Street, commencing at the River Saint Lawrence, and continuing to Saint Louis Street, from thence the North-west Side of Saint Louis Street to Sanguinet Street, from thence the North-east Side of Sanguinet Street with the Extension thereof to the City Boundary, thence along the City Boundary Line so far as the same may be found to extend towards the North-east, thence continuing the said Line in a South-east Direction until the same shall reach the River Saint Lawrence, and thence along the said River to the Place of Beginning.

And be it further ordained and enacted, That there shall be appointed and elected in the Manner herein-after mentioned One fit Person who shall be and be called the Mayor of the said City of Montreal, and a certain Number of fit Persons who shall be and be called Aldermen of the said City, and a certain Number of other fit Persons who shall be and be called Councillors of the said City, and such Mayor, Aldermen, and Councillors for the Time being shall be and be called the Council of the said City.

And be it further ordained and enacted, That it shall be lawful for the Governor of this Province for the Time being, by Letters Patent under the Great Seal of this Province, to nominate and constitute a fit and proper Person to be the first Mayor of the said City of Montreal, who shall be and continue in that Office until the First Day of December which will be in the Year of our Lord One thousand eight hundred and forty-two, and from that Time until another Person into the said Office shall be elected and sworn, according to the Provisions herein-after expressed and declared; and also, by the same Letters Patent, to nominate and constitute Six fit and proper Persons to be the first Aldermen of the said City, who shall be and continue in that Office until the Day and Year last mentioned, and from that Time until other fit and proper Persons shall be elected and sworn into the said Office in their Places, according to the Provisions herein-after expressed; and likewise, by the same Letters Patent, to nominate and constitute Twelve fit and proper Persons to be the first Councillors of the said City of Montreal aforesaid, who shall be and continue in that Office until the Day and Year last mentioned, and from that Time until other fit and proper Persons shall into the said Office be elected and sworn, according to the Provisions herein-after expressed.

And be it further ordained and enacted, That in case a Vacancy or Vacancies should occur in the said Offices of Mayor, Alderman, and Councillor, or any of them, at any Time previous to the said First Day of December which shall be in the Year of our Lord One thousand eight hundred and forty-two, it shall be lawful for the said Council of the said City of Montreal to elect a fit Person or Persons to fill up any such Vacancy or Vacancies of the said Offices of Mayor, Alderman, or Councillor, who shall be and continue in such Office or Offices until the Day and Year last aforesaid, and from that Time until another Person or Persons shall be elected and sworn into such Office or Offices, according to the Provisions herein-after expressed.

And be it further ordained and enacted, That it shall be lawful for the said Council of the said City, from Time to Time and at such Times as they may deem fit, previous to the said First Day of December in the Year of our Lord One thousand eight hundred and forty-two, to appoint One Assessor for each of the said Wards of the said City respectively, who shall continue in Office for such Period of Time as by the said Council shall be fixed and limited, not extending beyond the Day and Year last mentioned; and it shall also be lawful for the said Council to prescribe the Duties of such Assessors.

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Incorporating the
City and Town of
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And be it further ordained and enacted, That no Person shall be capable of being appointed or elected an Alderman of the said City of Montreal unless he shall have been a resident Householder within the said City for One Year next before such Appointment or Election, and unless he shall be seised or possessed to his own Use of Real or Personal Estate, or both, within the said City, after Payment or Deduction of his just Debts, of the Value of One thousand Pounds Currency.

And be it further ordained and enacted, That no Person shall be capable of being appointed or elected a Councillor of the said City of Montreal unless he shall have been a resident Householder within the said City for One Year next before such Appointment or Election, and unless he shall be seised or possessed to his own Use of Real or Personal Estate, or both, within the said City, after Payment of his just Debts, of the Value of Five hundred Pounds Currency.

And be it further ordained and enacted, That the Councillors of the said City of Montreal, at the Periods herein-after appointed, shall be chosen by the Majority of Votes of such Persons, being inhabitant Householdors within the Ward for which such Election shall be had, as shall severally be possessed, at the Time of the Election, of a Dwelling House within the said Ward held by them respectively in Freehold, or for a Term of Years, or for a Term not less than One Year, and who shall have been resident within the said City during One Year or more, previous to any such Election, and who shall have resided within the particular Ward for which such Election shall be had not less than Three Months next before such Election; and Part of a Dwelling House in which an Inhabitant shall reside as a Householder, and not as a Boarder or Lodger, and having an outer Door by which a separate Communication with the Street may be afforded, shall be considered a Dwelling House within the Meaning of this Enactment: Provided always, that when and so soon as any Rate or Rates, Assessment or Assessments, shall be laid by and under the Authority of this Ordinance, no such inhabitant Householder shall be entitled to vote at the Election of Councillors as aforesaid unless he shall have been rated to and in respect of the Rates or Assessments laid as aforesaid: And provided also, that after any such Rate or Assessment shall have been laid as aforesaid, every Male Person, though not a Householder, who shall have been resident in the said City during Three Years next preceding any such Election of Councillors, and who shall have occupied any Warehouse, Counting-house, or Shop, within any of the said Wards of the said City, during Three Months next preceding such Election, and shall have been rated for not less than One Year in respect of such Premises for such Rate or Assessment as aforesaid, shall be entitled to vote at the Election of Councillors to be had in the Ward in which such Premises shall be situated: And provided also, that no such inhabitant Householder, or Occupier of a Warehouse, Counting-house, or Shop, within the said City, shall be entitled to vote at any such Election of Councillors unless he shall have paid the Amount of all Rates and Assessments within the said City of Montreal that may have been due and payable by him before the holding of any such Election.

And be it further ordained and enacted, That no Person shall be capable of being appointed or elected Mayor, Alderman, or Councillor of the said City of Montreal, or of voting at any Election of City Officers, who shall not be a natural-born or naturalized Subject of Her Majesty, and of the full Age of Twenty-one Years; nor shall any Person be capable of voting or of being elected at any such Election who shall have been attainted for Treason or Felony in any Court of Law within any of Her Majesty's Dominions.

And be it further ordained and enacted, That no Person being in Holy Orders, or being a Minister or Teacher of any dissenting or religious Sect or Congregation, nor any Judge or Judges, Clerk or Clerks of any Court, nor any of the ministerial Law Officers of the Crown, nor any Person accountable for the City Revenues, or receiving any pecuniary Allowance from the City for his Services, nor any Officer or Person presiding at an Election of a Councillor or Councillors while so presiding, nor any Clerk or Assistant employed by him at any such Election while so employed, shall be capable of being appointed or elected a Councillor for the said City.

And be it further ordained and enacted, That on the First Day of December which will be in the Year of our Lord One thousand eight hundred and forty-

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two, and on the same Day in every succeeding Year, the inhabitant Householders and Persons qualified to vote as aforesaid shall openly assemble in the several Wards aforesaid, and elect from the Persons qualified to be Councillors Three fit and proper Persons to be Councillors for each of such Wards respectively, or so many as shall be required to supply the Places of those who shall then go out of Office, and also One fit and proper Person to be Assessor for each of the said Wards respectively: Provided always, that if the Day so appointed for such Election shall in any Year happen to be Sunday or a Holiday such Election shall take place the next following Day.

And be it further ordained and enacted, That on the First Day of December in the Year of our Lord One thousand eight hundred and forty-two, and in every succeeding Year, One Third of the Number appointed as aforesaid to be the Number of Councillors for the said City of Montreal shall go out of Office, and in the Year One thousand eight hundred and forty-three those who shall go out of Office shall be the Councillors who shall have been elected under the Provisions of this Ordinance by the smallest Number of Votes in the preceding Year, and in the Year One thousand eight hundred and forty-four those who shall go out of Office shall be the Councillors who shall have been elected under the Provisions of this Ordinance in the said Year One thousand eight hundred and forty-two by the next smallest Number of Votes; and if any Two or more of the said Councillors shall have been elected by an equal Number of Votes, then it shall be determined by the Majority of the whole Council which of the said Councillors so elected shall then go out of Office; and thereafter those who shall go out of Office shall always be the Councillors who shall have been the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected if then qualified as required by this Ordinance.

And be it further ordained and enacted, That the First Election of Councillors to be had as aforesaid on the First Day of December which will be in the Year of our Lord One thousand eight hundred and forty-two, and all subsequent Elections of Councillors to be had under the Provisions of this Ordinance, shall be held at convenient Places in the said several Wards of the said City, and shall respectively be held by and before such of the Aldermen or Councillors of the said City as may by the Mayor of the said City for the Time being be appointed, or, in case of Vacancy in the Office of Mayor, by the Council of the said City.

And be it further ordained and enacted, That at Elections of Councillors as aforesaid the Poll shall be opened at Nine o'Clock in the Forenoon, and shall continue open till Four o'Clock in the Afternoon of the same Day, and the Name of each Elector voting at such Election shall be written in Poll Lists to be kept at such Election by the Officer or Person holding the same; and after finally closing the Poll at any such Election the Officer or Person by whom the same shall be held shall forthwith proceed publicly to declare the Number of Votes given for each Candidate, or Person for whom Votes shall have been taken, and shall declare the Person or Persons having the Majority of Votes in his or their Favour to be duly elected Councillor or Councillors as aforesaid; and if there should be at the final closing of the Poll as aforesaid an equal Number of Votes polled for Two or more Persons to be Councillors as aforesaid, it shall be lawful for the Officer or Person holding such Election, and he is hereby required, whether otherwise qualified or not, to give a Vote for one or other of the Persons having such Equality of Votes, in order to give a Majority to one of them, and determine the Election; and the Poll Lists kept at such Elections shall, by the Officers or Persons holding the same, be delivered within Three Days after the Conclusion of every such Election to the Clerk of the City, to remain in his Office, where they shall be open to Inspection by any Elector, on the Payment of a Fee of One Shilling.

And be it further ordained and enacted, That Persons entitled to vote at the Election of Councillors as aforesaid shall vote within the particular Ward in which the Property constituting their Qualification to vote shall be situated, and not otherwise; and if any such Person shall be possessed of Property entitling him to vote in Two or more Wards he shall be entitled to vote in that Ward only in which he may reside.

And be it further ordained and enacted, That it shall be lawful for the said Council of the said City, by a Bye Law or Bye Laws to be enacted in this Behalf,

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Behalf, to make Provision for the making of Lists, and a Registration of all Persons qualified to vote at Elections of Councillors and other City Officers in the said City, whereby the Right to vote at such Elections may be determined; and until such Provision shall have been made by such Bye Law or Bye Laws every Person desirous of voting at any Election of Councillors as aforesaid shall, before he be permitted to vote, if required by the Officer or Person holding any such Election, or by any Person qualified to vote at the same, make Oath to the Particulars of his Qualification, and that he has not before voted at such Election; which Oath the Officer or Person holding such Election is hereby authorized and required to administer.

And be it further ordained and enacted, That after Provision shall have been made by a Bye Law or Bye Laws as aforesaid for the making of Lists or a Registration of Persons qualified to vote, whereby the Right in Individuals to vote may be determined as aforesaid, every Person desirous of voting at any Election of a Councillor or Councillors as aforesaid shall, before he be permitted to vote, produce a Certificate, under the Hand of the proper Officer, of his Qualification, pursuant to any such Bye Law, and shall, if required by the Officer or Person holding such Election, or by any Person qualified to vote at the same, take the following Oath, which the said Officer or Person holding such Election is hereby authorized and required to administer; (that is to say,)

'I do swear, That I am the Person described in the Certificate that I now produce, and that I have not before voted at this Election.'

'So help me GOD.'

And be it further ordained and enacted, That if any Person shall knowingly swear falsely as to any of the Particulars of his alleged Qualification, in pursuance of the preceding Nineteenth Section of this Ordinance, or if he shall knowingly swear falsely in taking the Oath prescribed by the preceding Twentieth Section of this Ordinance, he shall be deemed guilty of wilful and corrupt Perjury, and suffer the Pains and Penalties provided by Law in Cases of wilful and corrupt Perjury.

And be it further ordained and enacted, That if at any Election of a Councillor or Councillors as aforesaid any Person shall be elected a Councillor for more than One Ward of the said City, he shall, within Three Days after Notice thereof, make his Option, or, on his Default, the Mayor of the said City shall declare for which One of the said Wards such Person shall serve as Councillor, and thereupon such Person shall be held to have been elected in that Ward only, and in no other.

And be it further ordained and enacted, That on the First Day of December which will be in the Year of our Lord One thousand eight hundred and forty-two the Councillors who shall be first elected under the Provisions of this Ordinance, and on the Ninth Day of December in the Year One thousand eight hundred and forty-five, and in every succeeding Third Year, the said Council of the said City for the Time being, shall elect from the Councillors composing the said Council Six Persons to be Aldermen of the said City, or so many as shall be required to supply the Places of those who shall go out of Office according to the Provisions herein-after contained; and that on the Ninth Day of December in the Year One thousand eight hundred and forty-five, and in every succeeding Third Year, One Half of the Number appointed as aforesaid to be the entire Number of Aldermen of the said City shall go out of Office; and the Councillors composing the said Council, immediately after the First Election of Aldermen to be had as aforesaid, shall designate the Aldermen who shall go out of Office in the Year One thousand eight hundred and forty-five, and thereafter those who shall go out of Office shall always be those who have been Aldermen for the longest Time without Re-election: Provided always, that any Alderman so going out of Office may be forthwith re-elected if then qualified as required by this Ordinance; and provided also, that the Aldermen so going out of Office shall not be entitled to vote in the Election of the Aldermen who are to supply their Places; and provided also, that if the Ninth Day of December in any Year in which Elections are to be had as aforesaid shall happen to be Sunday or a Holiday, such Elections respectively shall be had on the next following Day.

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And be it further ordained and enacted, That the Mayor and Aldermen to be elected according to the Provisions of this Ordinance shall, during their respective Offices, continue to be Members of the Council of the said City, notwithstanding the Provisions herein contained, by which the Duration of the Office of Councillor is limited to a certain Time.

And be it further ordained and enacted, That on the Ninth Day of December in the Year One thousand eight hundred and forty-two, and in every succeeding Year, the Members of the said Council shall elect from Persons qualified to be Councillors, by a Majority of Votes, Two Persons who shall be and be called Auditors of the said City of Montreal; and every such Auditor shall continue in Office until the Ninth Day of December in the Year following his Election: Provided always, that in every such Election of Auditors no Member of the said Council shall vote for more than One Person to be such Auditor as aforesaid; and provided also, that no Member of the said Council, nor the Clerk nor the Mayor of the said City, shall be capable of being elected an Auditor as aforesaid.

And be it further ordained and enacted, That if any extraordinary Vacancy shall occur in the Office of Councillor of the said City after the First Election of Councillors to be had as aforesaid, the Inhabitant Householders, and Persons qualified to vote, shall, on a Day to be fixed by the Mayor, (such Day not being later than Ten Days after such Vacancy,) elect from the Persons qualified to be Councillors another Person duly qualified to supply such Vacancy; and such Election shall be held, and the Voting and other Proceedings be conducted, in the same Manner, and subject to the same Provisions, as are herein-before enacted with respect to the Elections of Councillors to be had as aforesaid; and every Person so elected shall hold such Office until the Period at which the Person in the Room of whom he shall have been chosen would in the ordinary Course have gone out of Office, when he shall go out of Office, but shall be capable of immediate Re-election, if then qualified as required by this Ordinance: Provided always, that no Election shall take place to supply any such extraordinary Vacancy unless the Number of Councillors remaining after such Vacancy shall not exceed Two Thirds of the whole Number composing the Council.

And be it further ordained and enacted, That on the Ninth Day of December in the Year of our Lord One thousand eight hundred and forty-two, and on the same Day in every succeeding Year, the said Council of the said City shall elect, out of the Aldermen and Councillors of the said City, a fit Person to be Mayor of the said City, who shall continue in Office for one whole Year; and in case a Vacancy shall occur in the said Office of Mayor by reason of any Person who shall have been elected to that Office not accepting the same, or by reason of his dying or ceasing to hold the said Office, the said Council of the said City shall, within Ten Days after such Vacancy, elect out of the Aldermen and Councillors of the said City another fit Person to be Mayor thereof for the Remainder of the Period for which the Mayor whose Place is to be supplied was to serve.

And be it further ordained and enacted, That no Person appointed or elected to be Mayor, Alderman, Councillor, Auditor, or Assessor as aforesaid shall be capable of acting as such, except in administering the Oaths herein-after mentioned; until he shall have made and subscribed, before any Two or more of such Aldermen or Councillors (who are hereby respectively authorized and required to administer the said Oaths to each other), the Oath of Allegiance to Her Majesty, Her Heirs and Successors, and also an Oath in the Words or to the Effect following; (that is to say,)

‘I A. B., having been appointed [or elected, as the Case may be,] Mayor [or Alderman, Councillor, Auditor, or Assessor, as the Case may be,] for the City of Montreal, do sincerely and solemnly swear, That I will faithfully fulfil the Duties of the said Office according to the best of my Judgment and Ability, and that I am seized or possessed for my own Use of Real or Personal Estate, or both, in the said City of Montreal, after the Payment or Deduction of my just Debts, of the Value of _____ Pounds, and that I have not fraudulently or collusively obtained the same, or a Title to the same, for the Purpose of qualifying myself to be appointed [or elected, as the Case may be,] Mayor [Alderman, Councillor, Auditor, or Assessor, as the Case may be,] as aforesaid.

So help me Gon.’

And

And be it further ordained and enacted, That every Person, duly qualified, who shall be appointed or elected to the Office of Alderman, Councillor, Auditor, or Assessor of the said City, and every Person, Alderman, or Councillor, who shall be appointed or elected to the Office of Mayor of the said City, shall accept the Office to which he shall have been so appointed or elected, or shall, in default thereof, pay to the Treasurer of the said City, to and for the Use of the said City, a Fine as follows; that is to say, for Non-acceptance of the Office of Alderman or Councillor a Fine of Fifty Pounds, for Non-acceptance of the Office of Auditor or Assessor a Fine of Fifty Pounds, and for Non-acceptance of the Office of Mayor a Fine of One hundred Pounds; and every such Fine, if not duly paid, shall be levied under the Authority of a Warrant of any Justice of the Peace having Jurisdiction within the said City, who is hereby required, on the Application of the said Council of the said City, to issue the same, by Distress and Sale of the Goods and Chattels of the Person so refusing to accept such Office, with the reasonable Charges of such Distress; and every Person so elected shall accept such Office, by taking the Oath of Allegiance, and making and subscribing the Declaration herein-before mentioned, within Four Days after Notice of his Election, and in default thereof shall be liable to pay the Fine aforesaid as for his Non-acceptance of such Office, and such Office shall thereupon be deemed to be vacant, and shall be filled up by a new Election, to be made in the Manner herein-before prescribed: Provided always, that no Person disabled by Lunacy or Imbecility of Mind shall be liable to such Fine as aforesaid; and provided also, that every Person so elected to any such Office who shall be above the Age of Sixty-five Years, or who shall already have served such Office, or paid the Fine for not accepting such Office, within Five Years next preceding the Day on which he shall be so re-elected, shall be exempted from accepting or serving the same Office, if he shall claim such Exemption within Five Days after Notice of his Election; and provided also, that no Military, Naval, or Marine Officer in Her Majesty's Service, on full Pay, nor the Members of the Legislature of this Province, the Members of the Executive Council, the Surveyor General, the Adjutant General of Militia, the Provincial Secretary, the Deputy Postmaster General and his Deputies, Custom House Officers, the Sheriffs and Coroners, the Clerks and Commissioned Officers of the Legislature and of the Executive Council, and Schoolmasters, shall be held or bound to accept any such Office as aforesaid, or any other Office in the said City.

And be it further ordained and enacted, That if any Person holding the Office of Mayor, Alderman, or Councillor shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief of Insolvent Debtors, or shall compound by Deed with his Creditors, or being Mayor shall be absent from the said City for more than Two Calendar Months, or being an Alderman or Councillor for more than Six Months at one and the same Time, (unless in case of Illness,) then and in every such Case such Person shall thereupon immediately become disqualified, and shall cease to hold such Office of Mayor, Alderman, or Councillor as aforesaid; and in the Case of such Absence shall be liable to the same Fine as if he had refused to accept such Office, to be recovered and applied in the same Manner.

And be it further ordained and enacted, That the Mayor of the said City for the Time being shall be a Justice of the Peace for the City and District of Montreal; and it shall be lawful for the said Common Council, from and out of the Monies belonging to the said City, to grant and allow to the said Mayor for the Time being, in lieu of all Fees and Perquisites, such Salary not exceeding Three hundred Pounds and not less than One hundred Pounds, as the said Council shall think fit.

And be it further ordained and enacted, That it shall be lawful for the said Council of the said City, from Time to Time as Occasion may require, to appoint a fit and proper Person, not being a Member of the Council, to be Clerk of the said City; and another fit Person, not being a Member of the said Council, and not being City Clerk, to be the Treasurer of the said City; One or more fit Person or Persons, not being of the Council, to be Clerk or Clerks of the Markets of the said City; and One Surveyor of Highways, Streets, and Bridges, and such Number of Overseers of Highways, Streets, and Bridges as they may deem necessary; and One Collector for each of the Wards of the said City; One or more Pound Keeper or Pound Keepers for the said City, and such other

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Officers as they may think necessary, to enable them to carry into execution the Powers vested in them by this Ordinance, and to prescribe and regulate the Duties of all such Officers respectively, and at their Pleasure to remove any such Officer, and appoint another in his Place; and the said Council shall take such Security for the due Execution of the Offices of City Clerk, Treasurer, or other Officer, as they shall think proper, and shall and may grant and allow to the City Clerk, Treasurer, and other Officers to be appointed as aforesaid such Salary, Allowance, or other Compensation for their Services as they shall think fit.

And be it further ordained and enacted, That the Treasurer of the said City shall not pay any Monies in his Hands as such Treasurer otherwise than upon an Order in Writing of the Council of the said City, signed by Three or more Members of the said Council, and countersigned by the Clerk of the City, or on the Order in Writing of a Court of Justice or Magistrate authorized by Law to make such Order.

And be it further ordained and enacted, That the Clerk, Treasurer, and other Officers of the said City appointed by the Council as aforesaid shall respectively at such Times during their Continuance in Office, and within Three Months after they shall respectively cease to be in Office, and in such Manner as the said Council shall direct, deliver to the said Council, or to such Person as they shall authorize to receive the same, a true Account in Writing of all Matters committed to their Charge by virtue or in pursuance of this Ordinance, and also of all Monies which shall have been by them respectively received by virtue or for the Purposes of this Ordinance, and how much thereof shall have been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments; and every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Council shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such Person as they shall authorize to receive the same, within Three Days after being thereunto required by the said Council, all Books, Documents, Papers, and Writings in his Custody or Power as such Officer aforesaid, then and in every such Case, on Complaint made on Behalf of the said Council, by such Person as they shall authorize for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the District or County wherein such Officer shall reside or be, such Justice of the Peace shall be and is hereby authorized and required to issue a Warrant under his Hand and Seal for bringing any such Officer before any Two Justices of the Peace for such District or County; and upon the said Officer not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the Matter in a summary Manner; and if it shall appear to such Justices that any Monies remain due from such Officer, such Justices may and they are hereby authorized and required, on Nonpayment thereof, by Warrant under their Hands and Seals to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if sufficient Goods and Chattels shall not be found to satisfy the said Monies, and the Charges of the Distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Account, or the Vouchers relating thereto, or that any Books, Documents, Papers, or Writings which were or are in the Custody or Power of such Officer in his official Capacity have not been delivered as aforesaid, or are wilfully withheld, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the District or County where such Officer shall reside or be, there to remain, without Bail, until he shall have paid such Monies as aforesaid, or shall have made satisfaction to the said Council, or until he shall have delivered a true Account as aforesaid, together with such Vouchers as aforesaid, or until he shall have delivered up such Books, Documents, Papers, and Writings, or have given satisfaction in respect thereof to the said Council: Provided always, that no Person so committed shall be detained in Prison for Want of sufficient Distress only for a longer Space of Time than Three Calendar Months: Provided also, that nothing in this Ordinance contained shall prevent or abridge any Remedy by Action against any such Officer so offending as aforesaid,

or

or against any Surety for any such Officer, but the Remedy afforded by this Ordinance and the Remedy by Action shall not be exercised for the same Cause.

And be it further ordained and enacted, That the Treasurer of the said City shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid as such Treasurer, and of the several Matters for which such Sums shall have been received and paid; and the Book containing the said Accounts shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the said City; and all the Accounts of the said Treasurer, with all Vouchers and Papers relating thereto, shall, in the Months of May and November in every Year, be submitted by such Treasurer to the Auditors elected for the said City as aforesaid, and to such Number of the said Council as the Mayor of the said City shall name, on the First Day of May in every Year, or, in case of any extraordinary Vacancy of Office, within Ten Days next after such Vacancy, for the Purpose of being examined and audited, from the First Day of November in the Year preceeding to the First Day of May, and from the First Day of May to the First Day of November in the Year in which the said Auditors shall have been elected and named; and if the said Accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said Accounts shall have been so examined and audited in the Month of November in every Year, the Treasurer shall make out in Writing, and cause to be printed, a full Abstract of his Accounts for the Year, and a Copy thereof shall be open to the Inspection of all the Rate-payers of the said City, and Copies thereof shall be delivered to all Rate-payers of the said City applying for the same, on Payment of a reasonable Price for each Copy.

And be it further ordained and enacted, That in all Meetings of the said Council to be held in pursuance of this Ordinance a Majority of the Members present at such Meetings shall determine all Questions and Matters submitted to or under the Consideration of the Council, provided that the Number present at the said Meetings be not less than One-third Part of the entire Number of Councillors composing the said Council; and at all such Meetings the Mayor of the said City, if present, shall preside, and in case of his Absence such Alderman, or in the Absence of all the Aldermen such Councillor, as the Members of the Council so assembled shall choose to be Chairman of any such Meetings, shall preside at the same; and in case of an Equality of Votes the Mayor or Chairman presiding shall have a casting Vote.

And be it further ordained and enacted, That there shall be in each Year Four Quarterly Meetings of the said Council, which shall be held on the following Days; that is to say, on the Second Monday of the Months of December, March, June, and September in each and every Year; and the said Meetings shall not at any One Time be held for a longer Period than Three successive Days, in which Sunday shall not be included.

And be it further ordained and enacted, That it shall be lawful for the Mayor of the said City to call a Special Meeting of the said Council, when and as often as he may deem it proper, after Three Days previous Notice thereof; and in case the said Mayor should refuse to call any such Meeting, after a Requisition for that Purpose signed by Five or more Members of the said Council, it shall be lawful for such Five or more Members to call a Meeting of the said Council after Three Days previous Notice, which Notice shall specify the Business for which the proposed Meeting is to be held, and shall be signed by the said Members; and in all Cases of such Special Meetings as aforesaid a Summons to attend the Council, specifying the Business to be transacted at such Meetings, and signed by the City Clerk, shall be left at the usual Place of Abode of every Member of the said Council Three Days at least before such Meeting.

And be it further ordained and enacted, That Minutes of the Proceedings of all Meetings to be held as aforesaid shall be drawn up, and fairly entered in a Book to be kept for that Purpose, and shall be signed by the Mayor, Alderman, or Councillor presiding at such Meeting; and the said Minutes shall be open to the Inspection of all Persons qualified to vote at the Election of Councillors, on Payment of a Fee of One Shilling; and the said Meetings shall be held with open Doors.

And be it further ordained and enacted, That it shall be lawful for the said Council to appoint, from and out of the Members composing such Council,

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such and so many Committees, consisting of such Number of Persons as they may think fit, for the better Transaction of the Business before such Council, and for the Discharge of such Duties within the Scope of their Powers as may by the said Council be prescribed, but subject in all things to the Approval, Authority, and Control of the said Council.

And be it further ordained and enacted, That it shall be lawful for the said Council of the said City, at a Meeting or Meetings of the said Council composed of not less than Two Thirds of the Members thereof, to make such Bye Laws as to them shall seem meet for the good Rule, Peace, Welfare, and Government of the said City, and for raising, assessing, and applying such Monies as may be required for the Execution of the Powers with which the said Council is hereby invested, and for maintaining in the said City a good and efficient System of Police, in such Manner as may by Law be provided, either by imposing Tolls and Rates to be paid in respect of any public Works within the said City, or by means of a Rate or Assessment to be assessed and levied on Real or Personal Property, or both, within the said City, or upon the Owners or Occupiers thereof, in respect of such Property, (provided that such Assessment shall not in any One Year exceed One Shilling in the Pound on the assessed Value of the Property lying and being within the said City,) or by imposing a Duty or Duties on Sales by Auction, not in any Case to exceed One per Cent. on such Sales, to be paid by the Purchaser, and on the Keepers of Houses of public Entertainment, and the Retailers of Spirituous Liquors, and on Hawkers, Pedlars, and Petty Chapmen, within the said City; and to impose by any such Bye Laws such Fines not exceeding Five Pounds, and such Imprisonment not exceeding Thirty Days, as they may deem proper for enforcing the same.

Provided always, and be it further ordained and enacted, That a Copy of every Bye Law to be made by virtue of this Ordinance shall be transmitted, with all convenient Speed after the making thereof, to the Governor of this Province for the Time being; and it shall be lawful for the said Governor, by and with the Advice of the Executive Council of this Province, within Three Months from and after the Receipt of such Copy, to disallow any such Bye Law; and such Disallowance shall, without Delay, be signified to the Mayor of the said City, and thenceforward such Bye Law shall be void and of no effect: Provided also, that all Bye Laws repugnant to any Law of the Land, or to any Act of the Legislature of this Province, shall be null and void.

And be it further ordained and enacted, That all and every the Powers and Authorities which in and by any of the Acts of the Legislature of this Province, and in and by any Ordinance or Law in force in this Province, have been and are vested in the Court of Quarter Sessions of the Peace for the District of Montreal, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Montreal, or any of them, for, touching, or concerning the laying out, making, erecting, keeping in repair, and regulating the Highways, Bridges, Streets, Squares, Lanes, Causeways, Pavements, Drains, Ditches, Embankments, Watercourses, Sewers, Market Houses and Weigh-houses, and other public Erections and Works in the said City of Montreal, or any of them; and for, touching, or concerning the dividing of the said City into Divisions, and the Appointment of Overseers of Highways, Streets, and Bridges in the said City; and for, touching, and concerning the laying, imposing, raising, levying, collecting, applying, paying, and accounting for a Rate or Rates of Assessment upon Occupiers of Lands, Lots, Houses, and Buildings, in proportion to the annual Value thereof, within the said City of Montreal; and for, touching, or concerning the making of Rules and Regulations of Police within the said City of Montreal; and for, touching, and concerning the making of Rules and Regulations to restrain, rule, and govern the Apprentices, Domestic, hired Servants, and Journeymen, and for the Conduct of Masters and Mistresses towards their said Apprentices, Domestic, hired Servants, and Journeymen, within the said City of Montreal; and for and touching the raising, receiving, Appropriation, and Application of any public Monies, by Assessment or otherwise, within the said City; and for, touching, or concerning the Improvement, Cleanliness, Health, internal Economy, and local Government of the said City of Montreal, shall, from and after the passing of this Ordinance, become and be vested in and exercised by the said Council of the said City of Montreal.

Provided

Provided always, and be it further ordained and enacted, That all and every the Rules, Orders, Regulations, and Acts of Authority for, touching, or concerning the several Matters in the next preceding Section of this Ordinance, which may be in force at the Time of the passing of this Ordinance, shall continue, be, and remain in full force and virtue until the same shall be rescinded, repealed, or altered by the said Council of the said City of Montreal, under the Authority of this Ordinance, or by other competent legal Authority.

And be it further ordained and enacted, That all and every the public Monies raised by Assessment or otherwise in the said City of Montreal, which at the Time of the passing of this Ordinance shall be in the Hands of the Road Treasurer of the said City, and all Monies which shall be due or payable on account of any Assessment or Composition for Statute Labour, or for the Use of the said City, and all Monies appropriated by Law for the watching and lighting of the said City, and all Real and Personal Property within the said City now subject to the Management, Control, or Authority of the Justices of the Peace for the said District of Montreal, or any of them, and all and every the Books of Assessment, Receipts, Accounts of the Treasurers and Road Treasurers of the said City, Plans, Titles, Documents, and Papers relating to the said City, and of a public Nature, shall, from and after the passing of this Ordinance, become and be subject to the Power, Authority, Order, and Control of the said Council of the said City, and shall be paid and delivered up by the Officers and Persons in whose Custody or Possession they may now be, to such Person or Persons, and at such Time and Times, and in such Manner, as by the said Council may be ordered and directed.

Provided always, and be it further ordained and enacted, That all and every the public Monies raised or to be raised by Assessment as aforesaid, and all Monies due and payable as aforesaid, as well as all other Monies hereafter to be raised by and under the Authority of this Ordinance, shall be charged and chargeable with the Debts which have been legally contracted by the late Corporation of the City of Montreal, and remain due and unpaid, and with the Debts, Sum and Sums of Money, which have been or may be incurred and become payable from and out of the public Monies raised or to be raised for public Uses within and for the said City and Town of Montreal, or either of them, under the Provisions of Law in this Behalf made, or by or under the Authority of the Justices of the Peace for the District of Montreal, or any of them; and all such Debts and Sums of Money shall be payable from and out of the Monies aforesaid.

And be it further ordained and enacted, That it shall not be lawful for the said Council of the said City of Montreal to borrow on the Credit of the said City at One Time any Sum or Sums of Money exceeding the Aggregate Amount of the Revenues of the said City for Five Years, nor shall any Sum or Sums of Money be so borrowed while the said City shall be in Debt to such Aggregate Amount, unless the said Council shall be authorized in this Behalf by an Act of the Legislature of this Province.

And be it further ordained and enacted, That so much of a certain Act passed in the Thirty-sixth Year of the Reign of His late Majesty King George the Third, intituled "An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other Purposes," as provides for the Appointment of Assessors and of a Road Treasurer for the said City of Montreal, and also a certain Act of the Legislature of this Province passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to increase the Number of Assessors for the Cities of Quebec and Montreal," and also so much of a certain other Act of the Legislature of this Province passed in the Thirty-ninth Year of the Reign of His late Majesty King George the Third, intituled "An Act to amend an Act passed in the Thirty-sixth Year of His present Majesty's Reign, intituled 'An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other Purposes,'" as provides for the Appointment of a Surveyor of Highways, Streets, Lanes, and Bridges in the said City of Montreal, by the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall, from and after the passing of this Ordinance, be and the same are hereby repealed; and all and every the Powers, Authority, and

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Duties which in and by the said Acts, and any other Act or Acts of the Legislature of this Province, were and are vested in and imposed on the said Assessors appointed or to be appointed in pursuance of the Provisions of the said Act passed in the Thirty-sixth Year aforesaid, and the Power and Duties of the said Road Treasurer and of the said Surveyor of Highways, Streets, and Bridges in the said City, appointed or that might be appointed under the said Act passed in the Thirty-sixth Year aforesaid, shall, from and after the passing of this Ordinance, become and be vested in and imposed on the Assessors to be elected and appointed in pursuance of this Ordinance, and on the Treasurer of the said City, and on the Surveyor of Highways for the said City of Montreal, as to be appointed under the same Authority respectively.

Provided always, and be it further ordained and enacted, That nothing in this Ordinance contained shall extend or be construed to extend to the Repeal of any Law, or the Provisions of any Law, conferring Power or Authority on the Court of Quarter Sessions for the District of Montreal, or on the Justices of the Peace for the said District, or any of them, touching or in respect of all or any of those Parts of the Parish of Montreal not comprised in the City and Town of Montreal, and that all such Power and Authority shall continue to subsist in respect of such Parts of the said Parish and the Inhabitants thereof as if this Ordinance had not been passed.

And be it further ordained and enacted, That a certain Ordinance made and passed by the Governor of this Province, by and with the Advice and Consent of the Special Council for the Affairs thereof, in the Second Year of Her Majesty's Reign, intituled "An Ordinance to suspend for a limited Time certain Parts of Two Ordinances therein mentioned, as far as the same relate to the City of Montreal, and to establish a Society therein for preventing Accidents by Fire," and all and singular the Provisions therein contained, and also so much of a certain Ordinance made and passed by the Captain General and Governor in Chief of the late Province of Quebec, by and with the Advice and Consent of the Legislative Council of the said Province, in the Seventeenth Year of the Reign of His late Majesty King George the Third, intituled "An Ordinance for preventing Accidents by Fire," as vests in the Governor, Lieutenant Governor, or other the Commander in Chief of the said Province, the Power of appointing an Overseer to prevent Accidents by Fire in the said City of Montreal, shall, at the Expiration of Nine Calendar Months from and after the passing of this Ordinance, be and remain repealed; and thenceforward it shall be lawful for the said Council of the said City of Montreal, from Time to Time and as Occasion may require, to appoint a fit and proper Person, not being a Member of the said Council, to be an Overseer to prevent Accidents by Fire in the said City of Montreal, and at their Pleasure to revoke such Appointment, and appoint another Person to be such Overseer as aforesaid; and all and every the Powers, Authority, and Duties which in and by the said last-mentioned Ordinance, and any other Ordinance or Law in force in this Province, were and are vested in and imposed on the Office of Overseer to prevent Accidents by Fire in the said City of Montreal shall become and be vested in and imposed on such Overseer to be appointed by the said Council in pursuance of this Ordinance as aforesaid.

And be it further ordained and enacted, That every Officer who may be in or entitled to any Office at the Time of the passing of this Ordinance under Appointments by the Executive Government of this Province, to which Office by the Provisions herein contained the Power of Appointment is conferred on the Council of the said City, and which Office shall be abolished, or who shall not be continued in Office after the passing of this Ordinance, shall be entitled to a reasonable Compensation, to be assessed by the said Council, and paid out of the Funds of the said City, for the Salary, Fees, and Emoluments of the Office which he shall so cease to hold; and in case the Person claiming such Compensation should think himself aggrieved by the Determination of the said Council on his Claim, it shall be lawful for him to apply for and obtain a Revision of such Determination by the Governor of this Province in Council, who shall thereupon make such Order in Council as to him shall seem just, which Order shall be binding on the Parties respectively.

Provided always, and be it further ordained and enacted, That nothing in this Ordinance contained shall extend or be construed to extend to revoke,

alter,

alter, abridge, or in any Manner affect the Powers and Authority now by Law vested or which may hereafter be vested in the Master, Deputy Master, and Wardens of the Trinity House of Montreal, or in the Commissioners appointed or to be appointed for the Execution of divers Acts and Ordinances of the Legislature of this Province, relating to the Improvement and Enlargement of the Harbour of Montreal, or any of them, or in the Commissioners appointed or to be appointed for making, superintending, repairing, and improving the Lachine Canal, nor to the Wharves and Slips erected and to be erected by the said first-mentioned Commissioners, nor to the Wharves and Grounds under the Direction of the said last-mentioned Commissioners.

Provided also, and be it further ordained and enacted, That nothing in this Ordinance contained shall in any Manner derogate from or affect, or be construed to derogate from or affect, the Rights of Her Majesty, Her Heirs or Successors, except in so far as the same may be specially affected by the Provisions of this Ordinance.

And be it further ordained and enacted, That the Words "Governor of this Province," wherever they occur in the said Enactments, are to be understood as meaning and comprehending the Governor or Person authorized to execute the Commission of Governor within this Province for the Time being.

And be it further ordained and enacted, That this Ordinance, and the Provisions herein contained, shall not cease or expire on the First Day of November which will be in the Year of our Lord One thousand eight hundred and forty-two, but shall be and remain a permanent Law, and in full Force, until the same shall be repealed or altered by competent Legislative Authority.

And be it further ordained and enacted, That this Ordinance shall be held and taken to be a Public Act, and shall be judicially taken notice of and have the Effect of a Public Act without being specially pleaded.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the preceding to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 150.

No. 150.

An Ordinance to incorporate certain Persons therein mentioned, under the Name of "The Montreal Fire Assurance Company."

Incorporating the
Montreal Fire As-
surance Company.

[Passed 5th June 1840.]

WHEREAS the Establishment of a Fire Assurance Company at the City of Montreal by Legislative Authority would be conducive to the Advancement of Commerce, and promote the Prosperity of the Province: And whereas divers loyal Subjects of Her Majesty in this Province, by their humble Petition in this Behalf, have represented that an Association hath been formed, in which they have become Subscribers and Stockholders, for the Purpose of establishing

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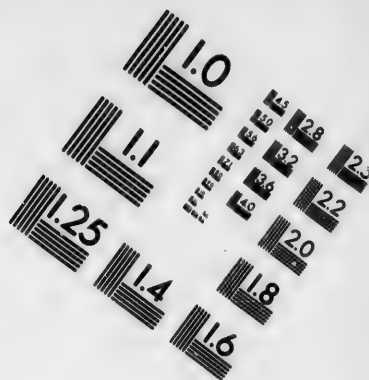
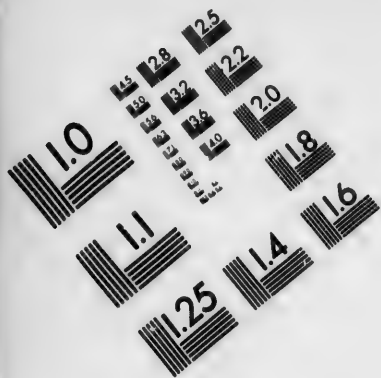
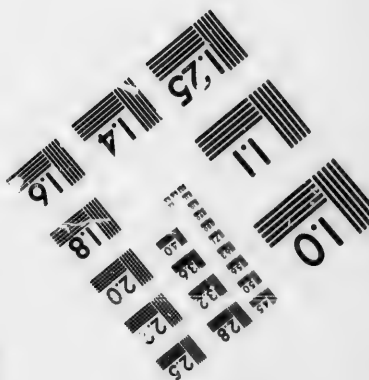
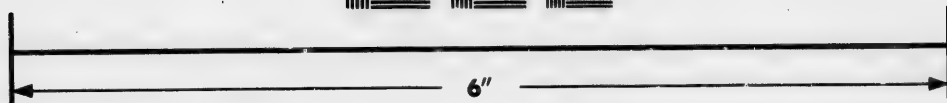
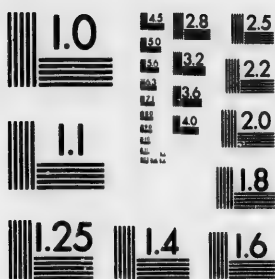


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No. 150.

Incorporating the
Montreal Fire As-
surance Company.

a Fire Assurance Company at the said City of Montreal, to carry on the Business of Assurance against Loss by Fire within this Province, under certain Articles of Agreement by which the Capital Stock of the said Association is limited to the Sum of Five hundred thousand Pounds Current Money of this Province, divided into Ten thousand Shares of Fifty Pounds each, with Power to commence the Business of Assurance as soon as One hundred thousand Pounds of the Capital Stock shall have been subscribed for, and that the said Sum of One hundred thousand Pounds has been already subscribed for, and is held by them; and have prayed that, for the effecting of the Purposes of their said Association, they, their Successors and Assigns, may be incorporated under certain Regulations and Provisions; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the same, and by virtue of the Powers in them vested by the said Acts of Parliament, That William Lunn, James Ferrier, John Mathewson, Kay, Whitehead and Company, John Redpath, Kidd, Cormack, and Company, James Smith, Duncas Fisher, John Molson, William Murray, Austin Cuvillier, John E. Mills, Oliver Bostwick, R. Latham, A. Galt, J. Miller, John Black, W. and S. Phillips, Adam Ferrie, A. H. Vass and Company, William Greig, Joseph Masson, Tobin and Murison, Robert Graham, Joseph Fraser, Mathewson and Rattray, Hugh Mathewson, Robert Armour, William Watson, William Dow, John Dougall, Robert Froste, Moss Moses, John Torrance and Company, Robert Kirkwood, Moses Hayes, S. Milligan, Thomas Jenkins, James M. Blackwood, Samuel Mathewson, William Workman, Murray and Sander-son, Thomas Mussen, John Mack, Alexander M'Gowan, Henry Myer, J. Rattray, John Orr, M. M'Culloch, Joseph N. Hall, Francis Rasco, Walter Benny, C. H. Castle, F. Mullins, William M'Intosh, James Scott senior, W. P. Smith, Archibald Hume, Richard Hall, James Thompson, James Connell and Company, Howard and Thompson, Henderson and Hooker, George Savage and Son, John Try, Isaac Valentine, Robert Campbell, Henry Dyer, Carter and Cowan, C. Hackett and Company, Colin Russell, J. G. M'Kenzie, Stanley Bagge, D. P. Ross, J. Glennon, George Johnstone, Hugh Brodie, Joseph M'Kay, John Smith, George D. Watson, James Cuthbertson, John Blackwood, James Jackson, F. Farish, Thomas B. Wragg, Charles Penner, H. C. M'Leod, George Rhynas, Benjamin Hart and Company, Dinning and Senior, John Carter, W. and J. Bell, James Shaw, Charles Brooke, Joseph Shuter, William Bradbury, William Ritchie, R. Watkins and Company, and M. Ramsay, and their several and respective Heirs, Executors, Curators, Administrators, Successors, and Assigns, shall be and are hereby ordained, constituted, and declared to be a Corporation, Body Corporate and Politic, by the Name of "The Montreal Fire Assurance Company," and shall so continue and have Succession till the First Day of May which will be in the Year of our Lord One thousand eight hundred and eighty; and shall and may by the said Name be capable in Law to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts and Places whatsoever; and shall also be able and capable in Law to purchase, acquire, hold, and enjoy, and retain to them and their Successors, Lands and Tenements, real or immoveable Estate, for the convenient Conduct and managing of the Business of the said Corporation, and for no other Purpose, not exceeding the yearly Value of Five hundred Pounds Current Money of this Province, and may sell, alienate, and dispose of such Lands, Tenements, real or immoveable Estate, and purchase others in their Stead, for the same Purpose, not exceeding the yearly Value aforesaid; and may also take and hold any Real Estate or Securities bonâ fide mortgaged or pledged to the said Corporation,

poration, either to secure the Payment of the Share of the Capital Stock thereof, or to secure the Payment of any Debt which may be contracted with the said Corporation, and may also proceed on the said Mortgages and other Securities for the Recovery of the Monies thereby secured, either at Law or in Equity, or otherwise, in the same Manner as any other Mortgage is or shall be authorized to do: Provided always, that it shall not be lawful for the said Corporation to deal or use or employ any Part of the Stock, Funds, or Monies thereof in buying and selling any Goods, Wares, and Merchandizes, or in Traffic, Trade, or Commerce of any Kind, otherwise than herein-before specified and permitted, but nothing herein contained shall extend to prevent the said Corporation from investing in Bank Stocks or public Securities in this Province the Amount of Capital Stock paid in, or such Portion thereof as it shall be deemed advisable by the Directors so to invest; and the said Corporation may have a Common Seal; and may change and alter the same at their Pleasure; and may also, from Time to Time, at any General Meeting of the Stockholders, and by a Majority of the Votes given at such Meeting, ordain, establish, and put in execution Bye Laws, Ordinances, and Regulations, (the same not being contrary to the present Ordinance or to any Laws in force in this Province,) as may appear to them necessary or expedient for the Management of the said Corporation, and may from Time to Time alter and repeal the same, or any of them; and may by such Majority as aforesaid, elect and choose such Directors and other Officers, and vest in them such Powers, as to such Majority shall seem meet and right for the Purposes aforesaid, but the Directors appointed or to be appointed before any such General Meeting shall be held shall remain in Office until Directors shall be elected at some such General Meeting; and such Bye Laws, Ordinances, and Regulations shall be made by the Directors already appointed or who may be hereafter appointed, and shall be submitted to the Stockholders of the said Corporation for their Approval and Confirmation at a General Meeting called for that Purpose, to be held in the Manner herein-after mentioned, or at any General Annual Meeting; and the said Corporation shall and may do and execute by the Manner aforesaid all and singular other the Matters and Things touching the Management of the Business of the said Corporation which to them shall or may appertain to do, subject nevertheless to the Rules, Regulations, Stipulations, and Provisions herein prescribed and established.

And be it further ordained and enacted by the Authority aforesaid, That the Capital Stock of the said Fire Assurance Company hereby incorporated and established shall not exceed the Sum of Five hundred thousand Pounds Current Money aforesaid, divided into Ten thousand Shares of Fifty Pounds each, which Shares shall be and the same are hereby vested in the said several Persons herein-before named, their Successors and Assigns, and in those other Persons who shall or may hereafter become Stockholders in the said Corporation, according to the Shares and Interest which they may respectively have subscribed, purchased, or acquired and may have in the same; and that such Part of the said Sum of Five hundred thousand Pounds subscribed for as may not have been paid in by the Stockholders respectively by whom the same is due shall be paid by the said Stockholders by such Instalments, and at such Times and Places, as the Directors of the said Fire Assurance Company shall appoint, after Notice of no less than Thirty Days in this Behalf to be previously given in One or more of the public Newspapers published at the City of Montreal, of which the "Montreal Gazette" (if then published) shall be one; and all Executors, Curators, and Administrators who shall pay up the Instalments due by the Estate or Succession which they may respectively represent, in obedience to any Call made for that Purpose in the Manner aforesaid, shall be and they are hereby respectively indemnified.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That no Stockholder who shall not be a natural-born Subject of Her Majesty, or a Subject of Her Majesty naturalized by Act of the British Parliament, or of the Provincial Legislature or Legislative Authority of this Province, or who shall be a Subject of any Foreign Prince or State, shall either in Person or by Proxy vote for the Election of any Director to be elected, or shall vote at any Meeting of the said Stockholders for the Purpose of ordaining, establishing, or putting into execution any Bye Laws, Ordinances, or Regulations to be made under the Authority of this Ordinance, or shall assist in calling any Meeting of such

No. 150.

Incorporating the
Montreal Fire As-
surance Company.

such Stockholders, or shall vote for any other Purpose or Purposes whatsoever, any thing herein contained to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Number of Votes to which each Stockholder or Stockholders, Copartnership, Body Politic or Corporate, holding Stock in the said Corporation, shall be entitled, on every Occasion when, in conformity to the Provisions of this Ordinance, Votes of the Members of the said Corporation are to be given, shall be in the Proportion following; (that is to say,) for One Share and not more than Two, One Vote; for every Two Shares above Two and not exceeding Ten, One Vote, making Five Votes for Ten Shares; for every Four Shares above Ten and not exceeding Thirty, One Vote, making Ten Votes for Thirty Shares; for every Six Shares above Thirty and not exceeding Sixty, One Vote, making Sixteen Votes for Sixty Shares; and for every Eight Shares above Sixty and not exceeding One hundred, One Vote, making Twenty Votes for One hundred Shares; but no Person or Persons, Copartnership, Body Politic or Corporate, being a Member or Members of the said Corporation, shall be entitled to a greater Number than Twenty Votes.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That the said Corporation shall not commence or carry on the said Business of insuring against Loss by Fire until a Sum equal to at least Ten per Cent. on the Amount of the Capital Stock of the said Corporation then subscribed for (which shall not in any Case be less than the said Sum of One hundred thousand Pounds, being the Capital Stock of the said Corporation to be subscribed for as aforesaid before they commence their said Business) shall have been paid up, and shall be in the Hands of the said Corporation, and at their Disposal; nor shall any Policy of Insurance be at any Time opened or renewed by the said Corporation unless a Sum equal to at least Ten per Cent. on their Capital Stock then subscribed for, after paying all lawful Demands on them, shall be then paid up, and in their Hands and at their Disposal as aforesaid; and for each and every Offence against the Provisions of this Section the said Corporation shall be liable to a Judicial Forfeiture of their Corporate Capacity, Rights, and Privileges, according to Law.

And for the better Security of the Public, be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, or for any or either Branch of the Provincial Parliament, from Time to Time to require from the President, Vice President, and Directors of the said Corporation Lists of the Names of all and each of the Stockholders who hold Shares in the Stock of the said Corporation, and a Statement or Account of the Assets and Liabilities of the said Corporation, mentioning more especially the Sum or Amount then paid up, and in the Hands and at the Disposal of the Corporation; which Lists, Statement, and Account the said President, Vice President, and Directors shall be bound to furnish, when required as aforesaid, upon Oath.

And be it further ordained and enacted by the Authority aforesaid, That the Stockholders who have now subscribed or those who may hereafter subscribe the said Capital Stock of the said Corporation shall not in any Manner whatsoever be liable for more than the Amount of Stock for which he or they shall have respectively subscribed his or their Names.

And be it further ordained and enacted by the Authority aforesaid, That nothing herein contained shall affect or be construed to affect in any Manner or Way the Rights of Her Majesty, Her Heirs or Successors, or of any Person or Persons, or of any Body Politic or Corporate, such only excepted as are herein mentioned.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be deemed a Public Ordinance, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other Persons whomsoever, without being specially pleaded.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall not expire on the First Day of November One thousand eight hundred and forty-two, but shall remain in full Force and Effect until the First Day of May One thousand eight hundred and eighty.

(Signed) C. POULETT THOMSON.

Ordained

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 150.
Incorporating the
Montreal Fire As-
surance Company.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 151.

An Ordinance to amend and render permanent the Ordinance establishing a Board of Works in this Province. [Passed 25th June 1840.]

No. 151.

Amending the
Ordinance estab-
lishing a Board of
Works.

WHEREAS it is expedient to amend, and render permanent as amended, the Ordinance herein after mentioned; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue of and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend the Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the same, and by virtue of the Powers in them vested by the said Acts of Parliament, That the Board of Works established by the Ordinance of the Governor of this Province, and of the Special Council for the Affairs thereof, passed in the Second Year of Her Majesty's Reign, and intituled "An Ordinance to establish a Board of Works in this Province," shall consist of such and so many Persons or Officers, not exceeding Five in Number, as the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall have appointed, or shall hereafter from Time to Time appoint, to be Members of the said Board, any thing in the said Ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Chairman of the said Board shall receive a yearly Salary, and his actual Disbursements and travelling Expenses when away from his usual Place of Residence on the Business of the Board, and shall devote his whole Time to the Business of his Office, and shall not hold any other Place of Profit under the Provincial Government, or exercise any other Profession or Calling, while he shall be such Chairman, any thing in the said Ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That so much of the said Ordinance as provides that any Two of the Members and the Chairman of the Board of Works shall be a Quorum, and so much of the said Ordinance as requires that all Writings and Documents, and the Certificate of

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No. 151.

Amending the
Ordinance estab-
lishing a Board of
Works.

the Chairman, shall be countersigned by the Secretary, shall be and are hereby repealed, and shall have no Force or Effect in Law.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance, and the said Ordinance intituled "An Ordinance to establish a Board of Works in this Province," as hereby amended, shall be and are hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 152.

Exempting Officers
of the Army from
Payment of a cer-
tain Rate in Quebec
and Montreal

No. 152.

An Ordinance to exempt certain Officers of Her Majesty's Army from the Payment of the Rate or Assessment therein mentioned, in the Cities of Quebec and Montreal.
[Passed 25th June 1840.]

WHEREAS in and by a certain Act of the Legislature of this Province passed in the Thirty-ninth Year of the Reign of His Majesty King George the Third, and intituled "An Act to amend an Act passed in the Thirty-sixth Year of His present Majesty's Reign, intituled 'An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other Purposes,'" it is, among other things, in effect enacted, that there shall be paid to the Road Treasurer of the Cities of Quebec and Montreal respectively, on or before the First Day of July in every Year, by every Person keeping a Horse or Horses within the aforesaid Cities, for each and every Horse (Colts excepted) that any such Person shall keep, the Sum of Seven Shillings and Sixpence, and that the Payment of the said Sum shall be held and taken instead of the Labour or Composition Money required for every Horse by a certain Act of the said Legislature passed in the Thirty-sixth Year of the Reign aforesaid, and intituled "An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other Purposes:—" And whereas by the Act first above cited it is provided that no Duty shall be required or received for any Horse or Horses kept by any Officer of any Regiment or Part of a Regiment or Corps in Garrison in the Cities of Quebec and Montreal for the Time being, unless that any such Officer be upon the Staff of the Army serving in this Province, or upon the Staff of the Garrison: And whereas it is expedient and right that such Officers of the Staff of the Army or of the Garrison should be exempt from the Payment of such Duty, in like Manner as other Officers of Her Majesty's Army in Garrison in either of the said Cities are exempt, subject to the Limitation herein-after provided: Be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the

the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That from and after the passing of this Ordinance no Duty shall be required or received, under the Act of the Provincial Parliament herein first above cited, for any Horse or Horses kept by any Officer upon the Staff of the Army serving in this Province, or upon the Staff of the Garrison in either of the Cities of Quebec or Montreal, not exceeding the Number of Horses for which such Officer is entitled by the Regulations for Her Majesty's Army to draw Forage, nor shall any Labour or Composition Money be required or paid for any such Horse or Horses under the Act of the Provincial Legislature herein secondly above cited; any thing in the said Acts of the said Provincial Parliament to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 153.

An Ordinance for making a Railroad from the City of Montreal to the Province Line at or near Point à Beaudet. [Passed 25th June 1840.]

WHEREAS it is expedient to afford Facilities for the Transport and safe Conveyance of Passengers and Goods between the Two Provinces of Upper and Lower Canada: And whereas the several Persons herein-after named have petitioned to be authorized, under an Ordinance to be enacted, and whereby they may be incorporated, to make and maintain, at their own Costs and Charges, a Railroad between the City of Montreal and the Province Line at or near the Point à Beaudet, through the several intermediate Parishes, connecting the Island of Montreal with the Mainland at or near Vaudreuil by means of Bridges, with the view of thereafter effecting a Continuation of such Railroad to Dickinson's Landing, Brockville, or Prescott, in Upper Canada, and thereby to avoid the Detention and Difficulties experienced by reason of the present

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Mode

No. 152.

Exempting Officers of the Army from Payment of a certain Rate in Quebec and Montreal.

No. 153.

Making a Railroad
from Montreal to
Pointe Beaudet.

Mode of Conveyance by Water; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That Charles Tait, Henry Griffin, Benjamin Holmes, John Simpson, Benjamin Hall, John Crawford M.D., Thomas A. Stayner, James Henry Lambe, Pierre Edrouad Leclerc, Arthur Ross, James Smith, Henry Stuart, Hugh Taylor, John Mathewson, John E. Mills, John G. Mackenzie, Thomas Wilson, Jeremiah Leaycraft, Havilland Lemesurier Routh, Benjamin Hart, Frederick Griffin, John T. Badgley, Charles Geddes, Joseph S. Kollmyer, John Blackwood, George Johnson, Adam Ferrie, James Logan, Charles T. Palsgrave, John M. Tobin, George D. Watson, Andrew Cowan, Charles H. Castle, Benjamin Brewster, Donald P. Ross, Robert Morris, Thomas Cringan, H. Edmond Barron, Charles Brooke, William Dow, Arthur Webster, James Duncan Gibb, James Ferrier, and Arthur Cruickshank Webster, together with such other Person and Persons as shall, under the Provisions of this Ordinance, become Subscribers to and Proprietors of any Share or Shares in the Railroad hereby authorized to be made, and their several and respective Heirs, Executors, Administrators, Curators, and Assigns, being Proprietors of any Share or Shares in the Railroad hereby authorized to be made, are and shall be and be united into a Company for the carrying on, making, constructing, completing, and maintaining the said intended Railroad, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be One Body Politic and Corporate, by the Name of "The Canada Union Railroad Company," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase and hold Lands, Tenements, and Hereditaments, for them and their Successors and Assigns, for the Use of the said Railroad, without Her Majesty's Lettres d'Amortissement; saving nevertheless to the Seigneur or Seigniors within whose Censive the Lands, Tenements, and Hereditaments so purchased may be situate, his, her, or their several and respective Droits d'Indemnit , and all other Seigniorial Rights whatever; and also to sell any of the said Lands, Tenements, and Hereditaments purchased for the Purposes aforesaid; and any Person or Persons, Bodies Politic or Corporate, or Communities, may give, grant, bargain, sell, and convey to the said Company of Proprietors any Lands, Tenements, or Hereditaments for the Purposes aforesaid, and the same may repurchase of the said Company, without Lettres d'Amortissement; and the said Company, and their Successors and Assigns, shall be and are hereby authorized and empowered, from and after the passing of this Ordinance, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make and complete a Railroad, to be called "The Canada Union Railroad," from the City of Montreal, in as direct a Line as may be found practicable, and as local Situation and Circumstances and the Nature of the Ground will admit, to the Line dividing the Two Provinces of Lower and Upper Canada at or near Point   Beaudet, (keeping in view the Object of establishing a Continuation thereof, under Legislative Authority, in the said Province of Upper Canada, as far as Dickenson's Landing, Brockville, or Prescott,) whereby the Delays, Risk, and extra Expense at present experienced by Water Communication may at once be avoided; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of the Queen's most Excellent Majesty, (doing no Damage to and creating no Obstruction or Impediment to the Use of any Canal or public Work of any Kind, except under some special and express Provision of this Ordinance,) or of any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Communities, whatsoever; and to survey

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and take Levels of the same or any Part thereof, and to set out and appropriate such Parts thereof as they shall think necessary and proper for making the said intended Railroad, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the said intended Railroad and other Works; and also to bore, dig, cut, trench, get, remove, take, carry away, and lay, Earth, Stone, Clay, Soil, Rubbish, Gravel, Sand, Trees, Roots of Trees, and other Matters or Things which may be dug or got, in making the said intended Railroad or other Works, on or out of Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making or repairing the said intended Railroad, or Works incidental or relative thereto, or which may hinder, prevent, or obstruct the making, using, or completing, extending or maintaining the same respectively, according to the Intent and Purposes of this Ordinance; and to make, build, erect, and set up, in or upon the said intended Railroad, or upon the Lands adjoining or near the same respectively, such and so many Houses, Warehouses, Weighing Beams, Cranes, Fire Engines, Steam Engines, locomotive, stationary, or other Engines, Inclined Planes, Machines, and other Works, Ways, Roads, and Conveniences, as and when the said Company of Proprietors shall think proper, requisite, and convenient for the Purposes of the said Railroad; and also from Time to Time to alter, divert, repair, widen, enlarge, and extend the same, and to make, maintain, repair, and alter any Fences or Passages over, under, or through the said intended Railroad; and to construct, erect, and keep in repair any Piers, Arches, and other Works, upon or across any Rivers or Brooks, for the making, using, maintaining, and repairing the said intended Railroad (but neither doing any Damage or creating any Obstruction to the Use of any public Work, nor obstructing the Navigation of any River, except in such Way as may be hereby specially and expressly authorized); and to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Railroad and other Works, in pursuance of and according to the true Intent and Meaning of this Ordinance; they the said Company of Proprietors doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in manner herein-after mentioned, to the Owners or Proprietors of or the Persons interested in the Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, prejudiced, or of which the Course shall be altered, or for all Damages to be by such Owners or Proprietors sustained in and by the Execution of all or any of the Powers granted by this Ordinance; and this Ordinance shall be sufficient to indemnify the said Company of Proprietors, and their Servants, Agents, or Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of the Province for the Time being, by and with the Advice of the Executive Council, to grant to the said Company of Proprietors, in such Manner and for such Considerations as he shall see fit, the Right to use, for the Construction of the said Railroad or Ways, any Parts or Portions of the level Ground already made or established along any Canal, or along or upon any Dyke, Dam, or public Highway, belonging to or the Property of which is vested in Her Majesty, or in any public Officer or Body, for the public Uses of the Province, or made at the public Expense, or to intersect or cross the same, or any Stream or Watercourse, or to construct the said Railroad or Ways along, upon, or across such Canals, Dykes, Dams, public Highways, or other Things of like Description: Provided always, that the said Company or Corporation shall not in anywise injure the said Canals, Dykes, Dams, or public Highways, or in anywise impede or obstruct the Use of the same, or of any public Work or Thing therewith connected, all which the said Company shall leave in the same State in which they find them, as to Efficiency, Usefulness, and Convenience.

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and shall not suffer the same to be in the least injured or deteriorated, or in anywise inconvenienced.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That where the said Railroad shall cross any public Highway, the Ledge or Flanch of such Railway for the Purpose of guiding the Wheels of the Carriages shall not rise above the Level of such Road nor sink below such Level more than One Inch, but the said Corporation may raise such Highway by a gradual Slope, not exceeding One Foot in Thirteen, to the Level of such Flanch, if such raising be necessary to preserve the Level of the said Railroad.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That where any Bridge shall be erected or made by the said Company for the Purpose of carrying the said Railroad over or across any public Highway, the Span of the Arch of any such Bridge shall be formed, and shall at all Times be and be continued, of such Breadth as to leave a clear and open Space under each and every such Arch of not less than Fifteen Feet, and a Height from the Surface of such public Highway to the Centre of such Arch of not less than Sixteen Feet, and the Descent under such Bridge shall not exceed One Foot in Thirteen Feet.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That in all Cases where it may be necessary to erect, build, or make any Bridge or Bridges for carrying any public Highway over the said Railroad, the Ascend of such Bridge for the Purpose of such Highway shall not be steeper than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made by the said Company on each Side of each such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That in all Cases where the said intended Railway shall cross any public Highway on a Level therewith the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of such public Highway, which Gates shall be constantly kept shut, except at such Time as Waggons, Carts, and other Carriages passing along the said Railway shall have to cross such public Highway, and they shall be opened for the Purpose only of letting such Waggons, Carts, or other Carriages pass through; and every Driver or Person intrusted with the Care of any Waggon, Cart, or other Carriage, or with any Train of Waggons, Carts, or other Carriages, shall and he is hereby directed to cause the said Gates, and each of them, to be shut as soon as such Waggons, Carts, or other Carriages shall have passed through, under a Penalty of Five Shillings for each Offence, to be recovered in like Manner as other Penalties under this Ordinance may be recovered.

And be it further ordained and enacted by the Authority aforesaid, That for the Purposes of this Ordinance the said Company shall, by some sworn Land Surveyor in this Province, and by some Engineer by them to be appointed, cause to be taken and made Surveys and Levels of the Lands through which the said intended Railroad is to pass or be carried, and of the River or Rivers, or Branches of Rivers, over which the said Railroad is to pass, together with a Plan or Map of such Railroad, and of the Course and Direction thereof, and of the Lands through which the same is to pass, and also a Book of Reference for the said Railroad, in which shall be set forth a Description of the said several Lands, or such Parts thereof, through which the said Railroad shall pass, with the Names of the Owners, Occupiers, and Proprietors thereof, and in which shall be contained every thing necessary for the right Understanding of such Map or Plan; which said Map or Plan and Book of Reference shall be so made or caused to be made in Triplicate, and shall be certified by the Surveyor General or his Deputy, who shall deposit one Part thereof in the Office of the Prothonotary of the Court of King's Bench of and for the District of Montreal, one other in the Office of the Secretary of the Province, and the remaining one he shall deliver to the said Company of Proprietors; and all Persons shall have Liberty to resort to such Copies so to be deposited as aforesaid, and make Extracts or Copies thereof, as Occasion shall require, paying to the said Secretary of the Province or to the said Prothonotary at the Rate of Sixpence Current Money of this Province for each and every Hundred Words; and the said Copies of the said Map or Plan and Book of Reference, so certified, or a true Copy or Copies thereof, certified by the Secretary of the Province, or

by the said Prothonotary of the Court of King's Bench for the District of Montreal, shall severally be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors, in making the said intended Railroad, shall not deviate more than Two Arpents from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, place, lay down, or convey the said Railroad into, through, across, under, or over any Part or Parts of the several Estates, Lands, or Grounds now or late belonging or reputed to belong to the said several and respective Persons named or described in the said Book of Reference, other than such Part or Parts as are mentioned in the said Book of Reference in that Behalf, (save in such Instances only as are particularly hereby provided for,) without the Approbation and Consent in Writing, signed by the Owner or Owners or Person or Persons for the Time being entitled to the Rents and Profits of such Estates, Lands, or Tenements respectively.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors shall and may make their intended Railroad through, across, or over the Lands or Grounds of any Person or Persons whomsoever into whose Estates, Lands, or Grounds such Deviations as aforesaid shall extend, although his, her, or their Name or Names is or are not mentioned in the said Book of Reference, or into the Estate, Lands, or Grounds of any Person or Persons whose Name or Names hath or have been by Mistake omitted, or that, instead of his, her, or their Name or Names, the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, or Grounds do not belong hath or have been by Mistake inserted in the said Book of Reference.

And be it further ordained and enacted by the Authority aforesaid, That the Lands or Grounds to be taken or used for such intended Railroad, and the Ditches, Drains, and Fences to separate the same from the adjoining Lands, shall not exceed Twenty-five Yards in Breadth, except in such Places where the said intended Railroad shall be raised more than Five Feet higher or cut more than Five Feet deeper than the present Surface of the Land, and in such Places where it shall be deemed necessary to have Offsets for the locomotive or other Engines and Carriages using the said intended Railroad to lie or pass each other, and not above Two hundred Yards in Breadth or Two hundred Yards in Length in any such Place, and except where any Houses, Warehouses, Toll Houses, Watch-houses, Weighing-beams, Cranes, fixed Engines, or Inclined Planes may be erected, or Goods, Wares, or Merchandizes be delivered, and then not more than Two hundred and fifty Yards in Length and Two hundred Yards in Breadth, without the Consent of the Proprietors.

And be it further ordained and enacted by the Authority aforesaid, That after any Lands or Grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Railroad and other Works, and other the Purposes and Conveniences herein mentioned, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Communities, Guardians, Curators, Executors, Administrators, and other Trustees or Persons whomsoever, not only for and in behalf of themselves, their Heirs and Successors, but also for and on behalf of those whom they represent, whether Issue unborn, Infants, Lunatics, Idiots, Females Covert, or other Person or Persons, who are or shall be seised, possessed of, or interested in any Lands or Grounds which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey unto the said Company of Proprietors, their Successors and Assigns, all or any such Lands or Grounds which shall from Time to Time be set out and ascertained as aforesaid; and that all Contracts, Agreements, Sales, Conveyances, and Assurances so to be made shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, or Communities, and all Persons whosoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them, shall respectively do by virtue of or in pursuance of this Ordinance; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, or notarial Copies thereof, shall, at the Expense of the said Corporation,

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poration, be deposited of Record in the Office of the Prothonotary of the Court of King's Bench for the District of Montreal, and Copies thereof, certified by the said Prothonotary (in like Manner as all authentic Copies thereof), shall be allowed to be good Evidence in all Courts whatsoever.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That any Body Politic, Community, Corporation, or other Person or Persons whosoever, who cannot, in common Course of Law, sell or alienate any Lands or Grounds so set out and ascertained, shall agree upon a fixed annual Rent as an Equivalent, and not a Principal Sum, to be paid for the Lands or Grounds so set out and ascertained as necessary for making the said Railroad, and other the Purposes and Conveniences relative thereto and connected therewith; and in case the Amount of such Rent shall not be fixed by voluntary Agreement or Compromise, or by Arbitration between the Parties, it shall be fixed by a Jury convened and qualified in the Manner herein-after prescribed, and all Proceedings and Litigations in Court shall in that Case be regulated as is herein-after prescribed; and for the Payment of the said annual Rent, and every other annual Rent agreed upon or ascertained for the Purchase of any Lands or Grounds, the said Railroad, and the Tolls to be levied and collected thereon, shall be and are hereby made liable and chargeable in preference to all other Claims or Demands thereon whatsoever.

And be it further ordained and enacted by the Authority aforesaid, That as soon as the said Map or Plan and Book of Reference shall have been made and deposited as aforesaid, it shall then be lawful for the said Company of Proprietors to apply to the several Owners of the Estates, Lands, and Grounds through which such Railroad is intended to be carried, and to agree with such Owners respectively touching the Compensation to be paid unto them by the said Company of Proprietors for the Purchase thereof, and for their respective Damages; and in case of Disagreement between the said Company and the said Owners, or any of them, then all Questions which shall arise between the said Company and the several Proprietors of and Persons interested in any Estates, Lands, or Grounds that shall or may be taken, affected, or prejudiced by the Execution of any of the Powers hereby granted, or with regard to any Indemnification for Damages which may or shall be at any Time or Times sustained by any Bodies Politic or Corporate, or Communities, or any other Person or Persons respectively, being Owners of or interested in any Estates, Lands, or Grounds, for or by reason of the making, repairing, or maintaining the said Railroad, or other Works or Machines incidental or relative thereto or connected therewith, shall and may be settled by Agreement of the Parties or by Arbitration; or if either of the Parties shall not be inclined to make an Agreement, or to appoint Arbitrators, or by reason of Absence shall be prevented from treating, or through Disability, by Non-age, Coverture, or other Impediment, cannot treat or make such Agreement or enter into such Arbitration, or shall not produce a clear Title to the Premises which they claim an Interest in, then and in every such Case the said Company of Proprietors may make Application to the Court of King's Bench for the District of Montreal, stating the Grounds for such Application; and such Court is hereby empowered and required, from Time to Time, upon such Application, to issue a Warrant, directed to the Sheriff for the District of Montreal for the Time being, commanding such Sheriff to impanel, summon, and return a Jury, qualified according to the Laws of this Province to be returned for Trials of Issues joined in Civil Cases in the said Court of King's Bench, to appear before the said Court at such Time and Place as in such Warrant shall be appointed; and all Parties concerned may have their lawful Challenge against any of the said Jurymen, but shall not challenge the Array; and the said Court is hereby empowered to summon and call before them all and every such Person and Persons as it shall be thought necessary to examine as Witnesses touching the Matters in question; and the said Court may authorize and order the said Jury, or any Six or more of them, to view the Place or Places or Matter in controversy, which Jury upon their Oaths (all which Oaths, as well as the Oaths to be taken by any Person or Persons who shall be called upon to give Evidence, the said Court is hereby empowered to administer,) shall inquire of, assess, and ascertain the distinct Sum or Sums of Money or annual Rent to be paid for the Purchase of such Lands or Grounds or Tenements, or the Indemnification to

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be made for the Damage that may or shall be sustained as aforesaid, and in so doing the said Jury shall take into consideration the Damage or Inconvenience which may arise by means of any Bridges, Roads, or other Communication made necessary by reason of the said Railroad, and assess separate Damage for the same; and the said Jury shall distinguish the Value set upon the Lands and the Money assessed or adjudged for Damages separate and apart from each other; and the said Court shall give Judgment for such Sum, Rent, or Indemnification so to be assessed by such Juries; which said Verdict, and the Judgment so thereupon pronounced, shall be binding and conclusive, to all Intents and Purposes, against the Queen's Majesty, Her Heirs and Successors, and against all Bodies Politic, Corporate, or Collegiate, or Communities, and all Persons whomsoever.

And be it further ordained and enacted by the Authority aforesaid, That in all Cases where a Verdict shall be given for more Money as an Indemnification or Satisfaction for any Lands, Grounds, or Hereditaments, or Property, or for any Damage done to any Lands, Grounds, Hereditaments, or Property, or for any annual Rent of any Lands, Grounds, Hereditaments, Rents, or Property, of any Person or Persons whomsoever, than had previously been offered by or on behalf of the said Company of Proprietors, then all the Expenses of summoning such Jury and taking such Inquest shall be settled by the Court, and defrayed by the said Company of Proprietors, but if any Verdict shall be given for the same or a less Sum than had been previously offered by and on behalf of the said Company of Proprietors, or in case no Damages shall be given by the Verdict when the Dispute is for Damages only, then and in every such Case the Costs and Expenses shall be settled in like Manner by the Court, and be borne and paid by the Party or Parties with whom the said Company of Proprietors shall have had such Controversy; which said Costs and Expenses, having been so settled, shall and may be deducted out of the Monies so assessed and adjudged, when the same shall exceed such Costs and Expenses, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged as aforesaid.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That all and every Person and Persons making complaint, and requesting such Jury, shall, before the Issue of the Warrant or Warrants for the summoning such Jury as aforesaid, enter into a Bond before One of the Judges of the Court of King's Bench for the District of Montreal, with One sufficient Surety, to the Treasurer of the said Company of Proprietors or their Successors for the Time being, in the Penalty of Two hundred Pounds Currency, to prosecute his, her, or their Complaint, and to bear and pay the Costs and Expenses of summoning such Jury and taking such Inquest, in case no Damages shall be given by the Verdict to such Party, or in case a Verdict shall be given for no more or for a less Sum or Rent than had been offered by and on behalf of the said Company of Proprietors or their Successors, before the summoning or returning of the said Jury or Juries, as an Indemnification or Satisfaction for any Lands, Grounds, or Hereditaments, or for any annual Rent, or for any Damages as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That upon Payment or legal Tender of such Sum or Sums of Money or annual Rent as shall be contracted or agreed for between the Parties, or determined by Arbitrators, or assessed by Juries in manner respectively as aforesaid, to the Proprietors thereof, or other Person or Persons entitled to receive the same, or to the principal Officer or Officers of any such Body Politic, Corporate, or Collegiate, or Community, at any Time after the same shall have been so agreed for, determined, or assessed, such Lands, Grounds, and Hereditaments, or Property respectively, may be entered upon and taken possession of by the said Company of Proprietors, and applied to the Purposes of making and maintaining the said Railroad, and other Works and Conveniences thereunto appertaining.

And be it further ordained and enacted by the Authority aforesaid, That all Agreements, Sales, and Conveyances, and all Determinations by Arbitrators as aforesaid, or notarial Copies thereof when the same may be passed before Notaries, and also the said Verdicts and Judgments thereupon, shall be trans-

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mitted to and kept by the Prothonotary of the Court of King's Bench for the District of Montreal, to be kept among the Records of the said Court, and shall be deemed and taken to be Records of the said Court to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever in this Province; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling Currency, and to have and obtain Copies thereof, paying for every Copy thereof not exceeding One hundred Words the Sum of Sixpence Currency, and so in proportion for any Number of Words; and immediately on such Payments of Purchase Money or Rents as aforesaid, and Entry of such Agreements, Sales, Conveyances, Determination by Arbitration, Verdicts, Judgments, or other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity, of the Person and Persons for whose Use such Money or Rent shall be paid, in or arising out of the said Lands, Grounds, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors and their Successors, and they shall respectively be deemed in Law to be in actual Possession and Seisin of the same, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate therein had been able to convey and had actually conveyed the same to them by the most effectual legal Conveyance; and such Payment shall bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use the same shall be made, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Communities, Women subject to marital Authority, Minors, Persons interdicted, or Absentees, who may have or claim to have any Right, Title, Interest, Claim, or Demand therein, and of every other Person or Persons whomsoever, even for Dower not yet open (*Douaire non encore ouvert*), any Law to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That Application to the said Court for Indemnity for any Damage or Injury sustained by reason of the Powers and Authority given by this Ordinance shall be made within Six Calendar Months next after the Time of such supposed Damage sustained, or in case there shall be a Continuation of Damage, then within Six Calendar Months after the doing or committing such Damage shall cease, and not afterwards; and the Defendant or Defendants shall and may plead the General Issue, and give this Ordinance and the Special Matter in Evidence, at any Trial to be had thereupon, and may aver that the same was done in pursuance of and by Authority of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That if any Person shall, by any Means or in any Manner or Way whatsoever, obstruct or interrupt the free Use of the said Railroad, or of the Carriages, Engines, or other Works incidental or relative thereto or connected therewith, such Person shall for every such Offence incur a Forfeiture or Penalty of not less than Five Pounds nor exceeding Ten Pounds Currency, which Penalty or Forfeiture may be recovered before One or more Justices of the Peace for the said District of Montreal, and one Moiety thereof shall go to the Prosecutor or Informer, and the other Moiety to Her Majesty, Her Heirs and Successors, and shall be paid into the Hands of the Receiver General, and shall remain at the Disposal of the Legislative Authority of this Province for the public Uses thereof.

And be it further ordained and enacted by the Authority aforesaid, That if any Person or Persons shall wilfully or maliciously, and to the Prejudice of the said Railroad authorized to be made by this Ordinance, break, throw down, damage, or destroy the same, or any Part thereof, or any of the Houses, Warehouses, Weighbeams, Cranes, Carriages, Engines, Inclined Planes, Machines, or other Works or Devices incidental and relative thereto or connected therewith, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said Railroad, such Person or Persons shall be adjudged guilty of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be punished in like Manner as Felons are directed to be punished by the Laws in force in this Province, or in mitigation thereof to award such Sentence as the Law directs in Cases of Petty Larceny, as to such Court shall seem fitting.

And to the end that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it further ordained and enacted by the

Authority

Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors and their Successors to raise and contribute among themselves, in such Proportions as to them shall seem meet and fitting, a competent Sum of Money for the making and completing the said Railroad, and all such other Works, Matters, and Conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Railroad and other Works: Provided always, that the Members of the said Corporation whose Names are herein-before mentioned shall cause Books of Subscription to be opened in the said City of Montreal for receiving the Signatures of Persons willing to become Subscribers to the said Undertaking, and for this Purpose they shall be held and bound to give public Notice during at least Three successive Weeks in the Montreal Gazette and Montreal Herald, or if those Newspapers be not then published then in some Two other Newspapers published in the City of Montreal, and in such other Two public Newspapers in any other Part or Parts of this Province as they may deem advisable, of the Time and Place at which such Books shall be opened and ready for receiving Signatures as aforesaid, and of the Persons by them authorized to receive such Subscriptions; and every Person who shall write his or her Signature in such Book as a Subscriber to the said Undertaking, or shall authorize another Person so to do, and on his or her Behalf as his or her Attorney, shall thereby become a Member of the said Corporation, and shall have the same Rights and Privileges as such as are hereby conferred on the several Persons who are herein mentioned by Name as Members of the said Corporation; provided always, that the Sum so raised shall not exceed the Sum of One hundred thousand Pounds Currency of this Province in the whole, except as is herein-after mentioned, and that the same be divided into such Number of Shares as hereafter directed, at a Price not exceeding Twenty-five Pounds Currency aforesaid per Share; and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this Ordinance, or incurred or made by or on behalf of the said Company on any Application for an Act of Incorporation to the late Legislature of this Province, and for making the Surveys, Plans, and Estimates incident thereunto, and all other Expenses relating thereunto; and all the Rest, Residue, and Remainder of such Money for and towards making, completing, and maintaining the said Railroad, and other the Purposes of this Ordinance, and to no other Use, Intent, or Purpose whatever.

And be it further ordained and enacted by the Authority aforesaid, That the said Sum of One hundred thousand Pounds Currency, or such Part thereof as shall be raised by the several Persons herein before named, and by such other Person and Persons as shall or may become a Subscriber or Subscribers to the said Railroad, shall be divided and distinguished into Four thousand equal Parts or Shares, at a Price not exceeding Twenty-five Pounds Currency aforesaid per Share, and that the Shares be deemed Personal Estate, and shall be transferrable as such, and that the said Four thousand Shares shall be and are hereby vested in the said several Subscribers, and their several and respective Heirs, Executors, Curators, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionally to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the Bodies Politic, Corporate, or Collegiate, or Communities, and all and every Person and Persons, their several and respective Successors, Executors, Curators, Administrators, and Assigns, who shall severally subscribe and pay the Sum of Twenty-five Pounds Currency, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Railroad, shall be entitled to and receive, after the said Railroad, or so much thereof at least as shall extend from the City of Montreal aforesaid to Coteau du Lac shall be completed, and not before, the entire and net Distribution of the Four thousandth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Ordinance, and so in proportion for any greater Number of Shares; and every Body Politic, Corporate, or Collegiate, or Community, Person or Persons, having such Property of the Four thousandth Part or Share in the said Undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional Sum of Money

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Ordinance directed and appointed.

And be it further ordained and enacted by the Authority aforesaid, That in case the said Sum of One hundred thousand Pounds Currency herein-before authorized to be raised shall be found insufficient for the Purposes of this Ordinance, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, a further or other Sum of Money for completing and perfecting the said intended Railroad, and other Works and Conveniences incidental or relative thereto, not exceeding the Sum of Twenty-five thousand Pounds Currency aforesaid; and every Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and have a like Vote, by himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Obligations, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she, or they shall or may subscribe thereto, as generally and extensively as if such other and further Sum had been originally raised, and a Part of the said first Sum of One hundred thousand Pounds; any thing herein contained to the contrary notwithstanding.

Pounds; any thing herein contained to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Number of Votes to which each Proprietor of Shares in the said Undertaking shall be entitled on every Occasion when, in conformity to the Provisions of this Ordinance, the Votes of the said Company of Proprietors are to be given, shall be in the Proportion following; that is to say, for One Share and not more than Two, One Vote; for every Two Shares above Two and not exceeding Ten, One Vote, making Five Votes for Ten Shares; for every Four Shares above Ten and not exceeding Thirty, One Vote, making Ten Votes for Thirty Shares; for every Six Shares above Thirty and not exceeding Sixty, One Vote, making Fifteen Votes for Sixty Shares; for every Eight Shares above Sixty and not exceeding One hundred, One Vote, making Twenty Votes for One hundred Shares; and for every Ten Shares above One hundred Shares, and not exceeding One hundred and fifty, One Vote, making Twenty-five Votes for One hundred and fifty Shares; but no Person or Persons, Copartnership, Body Politic, Corporate, or Collegiate, or Community, being a Member or Members of the said Company, shall be entitled to a greater Number than Twenty-five Votes; and all Proprietors of Shares resident within the Province or elsewhere may vote by Proxy, if he, she, or they shall see fit; provided that such Proxy do produce from his Constituent or Constituents an Appointment in Writing, made and signed in the Presence of Two Witnesses, and in the Words and to the Effect following; that is to say,

I of one of the Proprietors of "The Canada
Union Railroad" do hereby nominate, constitute, and appoint
of to be my Proxy, in my Name and in my Absence to
vote or give my Assent or Dissent to any Business, Matter, or Thing relating
to the said Undertaking that shall be mentioned or proposed at any Meeting
of the Proprietors of the said Undertaking, or any of them, in such Manner
as he the said shall think proper, according to his Opinion
and Judgment, for the Benefit of the said Undertaking or any thing apper-
taining thereto. In witness whereof I have hereunto set my Hand and
Seal the Day of in the Year .
In the Presence of

'Signature of Witnesses (L. S.)'

And such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person; and whatever Question, Election of proper Officers, or Matters or Things, shall be proposed, discussed, or considered in any public Meeting of Proprietors to be held by virtue of this Ordinance, shall be determined by the Majority of Votes and Proxies then present and so given as aforesaid; provided nevertheless, that no Person shall act as Proxy at any Meeting for any absent Proprietors for more than One hundred and fifty Shares; and at every such Meeting one of the Proprietors present shall be appointed Chairman or President, and shall not only vote as a Proprietor, but in case of Equality of Votes shall have the decisive or casting Vote.

Provided

Provided always, and be it further ordained and enacted by the Authority aforesaid, That no Proprietor who shall not be a natural-born Subject of Her Majesty, or a Subject of Her Majesty naturalized by Act of the British Parliament, or by Act of the Parliament of this Province, or by Act or Ordinance of the Legislative Authority thereof for the Time being, shall be elected President, Treasurer, or Clerk, or One of the Committee of the said Corporation.

And be it further ordained and enacted by the Authority aforesaid, That the first General Meeting of Proprietors for putting this Ordinance into execution shall be held at the Court House in the City of Montreal within One Month after One thousand Shares in the said Undertaking shall have been subscribed, provided that public Notice thereof be given during Three consecutive Weeks in the Montreal Gazette (if then published), and if not then in some other public Newspaper published in the City of Montreal, and in some Newspaper published in the French Language in the said City (if any there be), and in some public Newspaper published in the City of Quebec; and the Second General Meeting shall be held at such Time and such Place as the said Proprietors, or Majority present at their said First Meeting, shall appoint; and the General Meeting shall be thereafter held twice in every Year, on the Tenth Day of January and on the Tenth Day of July, or if either of the said Days be a Sunday or a Holiday then on the next Day which shall not be so; and at the said First General Meeting the Proprietors assembled, together with such Proxies as shall be present, shall choose Nine Persons, being each a Proprietor of Ten or more Shares in the said Undertaking, (out of whom any Five or more of them shall be a Quorum,) to be a Committee for managing the Affairs of the said Company of Proprietors, in such Manner as is herein-after directed, and as shall from Time to Time be ordered by such General Meetings, which said Committee shall continue in Office until the Tenth Day of January following; and also upon each succeeding Tenth Day of January, being one of the semi-annual Meetings, (or upon the following Day, when the same shall fall on a Sunday or Holiday,) a new Committee for the ensuing Year shall in like Manner be elected; provided always, that at least Five of the Members of the Committee for the Year or Period then last past shall be re-elected; but if at any Time it shall appear to any Fifteen or more of such Proprietors, holding together Two hundred and fifty Shares at least, that for more effectually putting this Ordinance into execution a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Fifteen or more of them to cause Fifteen Days Notice at least to be given thereof in the Newspaper aforesaid, or in such other Manner as the Proprietors or their Successors shall at any General Meeting direct or appoint, specifying in such Notice the Time and Place and the Reason and Intention of such Special Meetings respectively; and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Ordinance given them with respect to the Matters so specified only; and all such Acts of the Proprietors or a Majority of them at such Special Meetings so assembled, such Majority not having, either as Principals or Proxies, less than One thousand Shares, shall be as valid to all Intents and Purposes as if the same were done at General Meetings.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for the said Company of Proprietors, at such Special Meetings, in like Manner as at General Meetings, in case of the Death, Absence, Resignation, or Removal of any Person named of the Committee to manage the Affairs of the said Company of Proprietors in manner aforesaid, to choose and appoint another or others in the Room or Stead of those of such Committee who may die, or be absent, resign, or be removed as aforesaid, any thing in this Ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That if at any Time it shall happen that an Election of a Committee shall not take place on the Day when, in pursuance of this Ordinance, it ought to be made and take place, the said Corporation shall not be taken to be dissolved, but it shall be lawful at any other Time to make such Election at a General Meeting of Stockholders to be called in the Manner herein-after prescribed; and until such new Election shall be had the Committee for the Year or Period then last past shall continue in Office, and shall hold all their Powers, as if

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elected under the Authority of this Ordinance for the Period ending at the Time of such new Election.

And be it further ordained and enacted by the Authority aforesaid, That no one Member of the said Committee, though he may be a Proprietor of many Shares, shall have more than One Vote in the said Committee, except the Chairman or President who shall be chosen by and out of the said Committee, and who, in case of a Division of equal Numbers, shall have the casting Vote, although he may have given One Vote before; provided always, that such Committee shall from Time to Time be subject to the Examination and Control of the said General and other Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as they shall from Time to Time receive from the said Proprietors at such General or other Meetings, such Orders and Directions not being contrary to any express Directions or Provisions in this Ordinance contained.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract or Contracts, under the said Company, shall be capable of being chosen a Member of the Committee for managing the Affairs of the said Company.

And be it further ordained and enacted by the Authority aforesaid, That every such General Meeting shall have Power to call for, audit, and settle all Accounts of Money laid out and disbursed on account of the said Undertaking with the Treasurer, Receiver and Receivers, and other Officer and Officers to be by them, or by any other Person or Persons whomsoever, employed by or concerned for or under them in and about the said Undertaking, and to that Purpose shall have Power to adjourn themselves over from Time to Time and from Place to Place as shall be thought convenient by the Persons entitled to a Majority of Votes in manner aforesaid; and every General Meeting or such Committee assembled by the Authority of this Ordinance shall have Power from Time to Time to make such Call or Calls of Money from the Proprietors of the said Undertaking, to defray the Expense of or to carry on the same, as they from Time to Time shall find wanting and necessary for this Purpose; provided, however, that no Call do exceed the Sum of Five Pounds Current Money of this Province for every Share of Twenty-five Pounds, and provided also that no Calls be made but at the Distance of One Calendar Month from each other; and such Committee shall have full Power and Authority to manage and direct all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Lands, Rights, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Work and Workmen, and in placing and removing under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of such Committee; and the Owner or Owners of One or more Share or Shares in the said Undertaking shall pay his, her, or their Shares and Proportion of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said General Meeting or Committee shall from Time to Time appoint and direct, of which Three Weeks Notice at least shall be given in the Montreal Gazette or other Newspaper published in Montreal in the English Language, and also in a public Newspaper published in the said City in the French Language (if any such there be), and in a public Newspaper published in the City of Quebec, or in such other Manner as the said Proprietors or their Successors shall at any General Meeting direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionate Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Meeting or Committee, he, she, or they neglecting or refusing shall forfeit a Sum not exceeding Five Pounds for every One hundred Pounds of his, her, or their respective Share and Shares in the said Undertaking; and in case such Person and Persons shall neglect to pay his, her, or their rateable Calls as aforesaid, for the Space of Six Calendar Months after the Time appointed for the Payment thereof as aforesaid, then he, she, or they shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profit and Benefit thereof,

thereof, all which Forfeitures shall go to the rest of the said Company of Proprietors of the said Undertaking, their Successors and Assigns, in Trust for and for the Benefit of the said Proprietors, in proportion to their respective Interests.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That no Advantage shall be taken of the Forfeiture of any Share or Shares of the said Undertaking, unless the same shall be declared to be forfeited at some General Meeting of the said Company of Proprietors assembled at any Time after such Forfeiture shall be incurred; and every such Forfeiture shall be an Indemnification to and for every Proprietor so forfeiting against all Action and Actions, Suits or Prosecutions whatever to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor and the other Proprietors with regard to carrying on the said Railroad or Undertaking.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors and their Successors shall always have Power and Authority, at any General Meeting assembled as aforesaid, to remove any Person or Persons chosen upon such Committee as aforesaid, and to elect others to be of the Committee in the Room of those who shall die, resign, or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein-before prescribed with regard to their Proceedings amongst themselves, (the Method of calling General Meetings, and their Time and Place of assembling, and the Manner of voting and of appointing Committees, only excepted,) and shall have Power to make such new Rules, Bye Laws, and Orders, not being contrary to the Provisions of this Ordinance, except as herein above expressly authorized, for the good Government of the said Company, and their Servants, Agents, and Workmen, for the good and orderly making, maintaining, and using the said Railroad and other Works connected therewith or belonging thereto, and for the well governing of all Persons whomsoever travelling upon or using the said Railroad and other Works, or transporting any Goods, Wares, Merchandizes, or other Commodities thereon; and to impose and inflict such reasonable Fines and Forfeitures upon the Persons guilty of a Breach of such Rules, Bye Laws, or Orders as to such General Meeting shall seem meet, not exceeding the Sum of Fifty Shillings Current Money of the Province for any One Offence, such Prices or Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders, being put into Writing under the Common Seal of the said Company of Proprietors, shall be published at least twice in the said Montreal Gazette or other public Newspaper published in the City of Montreal, and in a Newspaper there published in the French Language (if any there be), and in a public Newspaper published in the City of Quebec, and affixed in the Office of the said Company of Proprietors, and in all and every of the Places where the Tolls are to be gathered, and in like Manner as often as any Change or Alteration shall be made to the same; and the said Rules, Bye Laws, and Orders, so made and published as aforesaid, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the several Proprietors of the said Railroad or Undertaking to sell and dispose of his, her, or their Share or Shares therein, subject to the Rules and Conditions herein mentioned; and any Purchaser shall have a Duplicate Deed of Bargain and Sale and Conveyance made unto him or her or them before Two Witnesses; and one Part of such Deed, duly executed by the Seller and Purchaser, shall be delivered to the said Committee or their Clerk for the Time being, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered to the said Committee or their Clerk, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for the said Share or Shares paid unto him, her, or them, nor any Vote as a Proprietor or Proprietors.

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And be it further ordained and enacted by the Authority aforesaid, That the Sale of the said Shares shall be in the Form following, varying the Names and Descriptions of the contracting Parties as the Case may require :

‘ I A. B., in consideration of the Sum of _____ in hand paid to me
‘ by C. D. of _____ do hereby bargain, sell, and transfer to the said
‘ C. D. _____ Share [or Shares] of the Stock of “The Canada Union Rail-
‘ road,” to hold unto him the said C. D., his Heirs, Executors, Curators,
‘ Administrators, and Assigns, subject to the same Rules and Orders, and on
‘ the same Conditions, that I held the same immediately before the Execution
‘ hereof : And I the said C. D. do hereby agree to accept the said
‘ Share [or Shares], subject to the same Rules, Orders, and Conditions.
‘ Witness our Hands and Seals this _____ Day of _____ in the
‘ Year _____

‘ Signed and executed } (L.S.)
‘ in the Presence of } (L.S.)

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized, from Time to Time to nominate and appoint or remove a Treasurer or Treasurers and a Clerk and Clerks to the said Company of Proprietors (taking such Security for the due Execution of his or their Office as the said Company of Proprietors shall think proper), who shall at all Times and from Time to Time while in Office account to the said Chairman and Committee touching all Matters and Things that may come into his Charge or under his Direction and Management, upon any Requisition made by the said Chairman on behalf of the said Committee, and who shall also render a just and true Account to the said Company at each and every semi-annual Meeting thereof, and shall keep perfect, just, and true Books of Account, subject at all Times to Inspection and Examination by the said President ; and it shall be also lawful to and for the said Chairman and Committee, on behalf of the said Company, and they are hereby authorized, to name and appoint such Clerk or Clerks, Engineers, Overseers, and other Officers as may from Time to Time be requisite and necessary ; and such Clerk or Clerks shall in a proper Book or Books enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Railroad or Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all the other Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the Committee for the Time being, by virtue of and under the Authority of this Ordinance, and at all Times shall be accountable to the said Committee, who may at any Time remove any such Clerk or Clerks or other Officer or Officers, and engage and appoint another or others in his or their Stead.

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for the said Company of Proprietors to divide the said Route from Montreal to the Province Line aforesaid into Five Sections ; to wit, from Montreal to Lachine to be Section Number One, from Lachine to St. Anne's to be Section Number Two, from St. Anne's to Vaudreuil to be Section Number Three, from Vaudreuil to Coteau du Lac to be Section Number Four, and from Coteau du Lac to Province Line to be Section Number Five ; and the Company of Proprietors shall and may proceed with, finish, and complete all, any, or either of the said Sections as they shall deem advisable ; and upon any One or more of the said Sections being so completed and made available for the Transportation and Conveyance of Property and Passengers they the said Company of Proprietors shall be and they are hereby authorized to open such Section or Sections for the Transportation and Conveyance of Property and Passengers, and therefor to exact, take, and receive Toll or Fare, but not to divide any Profit or Dividend until the said Railroad be completed from Montreal to Coteau du Lac as aforesaid, the whole under the Authority and Provisions of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That for the Purpose of facilitating all Matters and Things relating to the said Undertaking, and until a Chairman and Committee shall be duly elected according to the Provisions of this Ordinance, it shall be lawful for the Persons herein-before named,

named, at a Meeting held for that Purpose, to constitute and appoint, by a Majority of Votes of such of the said Persons as shall be present thereat, a temporary Committee, to be chosen from among themselves, to consist of Five in Number, Three of whom shall form a Quorum, who shall be thereby authorized by virtue of this Ordinance to do, transact, and execute all Matters and Things needful and necessary towards carrying the present Ordinance into effect, until a Committee shall be duly elected at the First General Meeting as aforesaid. Provided always, and be it further ordained and enacted, by the Authority aforesaid, That nothing in this Ordinance contained shall extend or be construed to extend to oblige the said Company of Proprietors to make, finish, or complete the Fifth Section of the said Railroad, as herein-before defined, or to continue the said Railroad upwards beyond a good and safe Steam Boat Harbour at Coteau du Lac aforesaid, should they the said Company of Proprietors deem the Facilities of Transportation to the Province of Upper Canada sufficiently accomplished by terminating the said Railroad at Coteau du Lac; and thereupon the said Railroad under and by virtue of this Ordinance shall be held, deemed, and considered as fully completed and finally accomplished as if the Distance had originally been made and intended to terminate at Coteau du Lac aforesaid, instead of the Province Line; and that then and in that Case the said Company of Proprietors and their Successors shall be fully entitled to all and every the Benefits and Advantages to be derived to them under and by virtue of this Ordinance, which shall be held and considered in full and entire Force, Virtue, and Effect, any thing contained in this Ordinance to the contrary thereof notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, and their Successors and Assigns, from Time to Time and at all Times next after the Completion of the whole of the said Railroad (be the same at Coteau du Lac or at the Province Line, as the Case may be), or of any One or more of the said Sections thereof, to ask, demand, take and recover, to and for their own proper Use and Behoof, for all Goods, Wares, Merchandizes, and Commodities, of whatever Description, transported upon the said Railroad, at and after the Rate of Ten-pence Currency per Ton Weight or per Ton Measurement (at the Option of the said Company) for each and every Mile of Transport on the said Railroad, or such less Sum as the said Company of Proprietors shall from Time to Time appoint, and for every Passenger Three-pence Currency per Mile of Travel on the said Railroad, or such less Sum as the said Company of Proprietors shall from Time to Time appoint; which said Rates shall be paid to such Person or Persons, and at such Place or Places on or near to the said Railroad, in such Manner, and under such Regulations as the said Company of Proprietors or their Successors shall direct and appoint; and in case of Denial or Neglect of Payment of any such Rates or Dues, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for and recover the same in any Court having competent Jurisdiction, or the Person or Persons to whom the same Rates or Dues ought to be paid may and he is and they are hereby empowered to seize and detain such Goods, Wares, Merchandizes, or other Commodities for and in respect whereof such Rates or Dues ought to be paid, and detain the same until Payment thereof; and in the meantime such Goods, Wares, Merchandizes, or other Commodities shall be at the Risk and Expense of the Owner or Owners thereof; and the said Company of Proprietors shall have full Power from Time to Time at any General Meeting to lower or reduce all or any of the said Rates or Dues, and again to raise the same, (not exceeding in any Case the Sums or Rates before mentioned,) as often as it shall be deemed necessary for the Interests of the said Company.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That in all Cases where there shall be a Fraction of a Mile in the Distance which Goods, Wares, Merchandizes, or other Commodities, or Passengers, shall be conveyed or transported on the said Railroad, such Fraction shall in ascertaining the said Rates be deemed and considered as a whole Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of any such Goods, Wares, Merchandizes, or other Commodities, a Proportion of the said Rates shall be demanded and taken by the said Company

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of Proprietors to the Number of Quarters of a Ton contained therein, and in all Cases where there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a whole Quarter of a Ton.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors shall and they are hereby required, at any Time and at all Times, to provide suitable Carriages, subject to the Approval of the Deputy Postmaster General, for the Conveyance of Her Majesty's Mail, and the Person or Persons in charge thereof, along the said Railroad, or such Sections thereof as shall then be completed and in use; nor shall any Carriage or Train of Carriages or Vehicles, whether for the Conveyance of Passengers or of Goods, proceed at any Time along such Railroad or Section thereof without such Carriage for the Conveyance of Her Majesty's Mail, except under the express written Licence and Instructions of Her Majesty's Deputy Postmaster General to the said Company, stating at what Time and on what Occasions he shall not require that the Mail be so conveyed; and to this end the said Company shall notify to the said Deputy Postmaster General the Days and Hours at which their Trains and Carriages will start from either End of such Railroad or of any Section thereof, and shall not change such Times of starting without giving at least Three Days Notice of such Change to the said Deputy Postmaster General; and the said Company shall not, for the Conveyance of the said Mail, and of the Person or Persons in charge thereof, and of the Carriage so to be provided for the Conveyance thereof as aforesaid, charge or demand a greater Rate than One Penny Currency per Mile for each Person in charge thereof, One Halfpenny Currency per Mile for each Conveyance of a Mail weighing One Hundred Weight or less, and a Farthing Currency per Mile for each Half Hundred Weight exceeding the first Hundred Weight, but no Charge for any Fraction of a Hundred Weight less than Half a Hundred Weight when the whole Mail shall exceed One Hundred Weight or One hundred and twelve Pounds; and for each and every Refusal or Neglect by the said Company to comply with the Requirements of this Section the said Company shall forfeit and pay to Her Majesty, Her Heirs and Successors, to and for the public Uses of the Province, a Sum not exceeding Twenty-five Pounds Currency, to be recovered, with Costs, in any Court having Jurisdiction to that Amount: Provided always, that nothing in this Section contained shall be construed to prevent the said Deputy Postmaster General from making such Arrangement and Agreement with, and granting such Permission or Authority to the said Company, with regard to the Conveyance of Her Majesty's Mail, as he shall deem expedient; and such Arrangement, Agreement, Permission, or Authority shall be good and valid, and shall be a sufficient Indemnification to the said Company for any thing done or omitted in pursuance thereof, any thing in this Section to the contrary notwithstanding.

And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted and ordained by the Authority aforesaid, That the said Company, or the Committee for managing the Affairs of the said Company, shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Tenth Day of January in each Year, of the Money collected and received by the said Company, or by the Committee or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of this Ordinance, and of the Charges and Expenses attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other Receipts and Expenditure of the said Company or the said Committee; and at the semi-annual Meetings of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall, after the said Railroad shall have been completed from Montreal to Coteau du Lac as aforesaid, be made out of the clear Profits of the said Undertaking, unless such semi-annual Meetings shall declare otherwise; and such Dividends shall be at and after the Rate of so much per Share upon the several Shares held by the Members thereof of the Joint Stock of the said Company: Provided always, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall any Dividend be paid in respect of any Share, after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

And

Provided always, and be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, from Time to Time, at any General Meeting of the said Proprietors, to make any such Bye Law or Bye Laws for ascertaining or fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel not exceeding One hundred and twenty Pounds Weight upon the said Railroad, or any Part thereof, as to them shall seem fit and reasonable; and the said Company of Proprietors, and their Successors and Assigns, shall from Time to Time print and stick up, or cause to be printed and stuck up, in their Office, and in all and every of the Places where the Tolls, Rates, and Dues are to be collected, in some conspicuous Place there, a printed Paper, ascertaining and particularizing the Price or Sum or Sums of Money to be charged or taken for the Carriage of such Parcels, not exceeding One hundred and twenty Pounds Weight as aforesaid, upon the said Railroad, or upon any Part thereof.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors shall, within Six Calendar Months after any Lands shall be taken for the Use of the said Railroad or Undertaking, divide and separate, and keep constantly divided and separated, the Land so taken from the Lands or Grounds adjoining thereto, with a sufficient Post and Rail Fence, Hedge, Ditch, Trench, Bank, or other Fence sufficient to keep off Hogs, Sheep, and Cattle, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid, and shall at their own Costs and Charges from Time to Time maintain, support, and keep in sufficient Repair the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid; and the said Company of Proprietors, as soon as conveniently may be after each of the said Sections of the said Railroad shall be completed, before the same shall be opened to the Use of the Public as aforesaid, shall cause the said Railroad, or so much thereof as shall be so completed, to be measured, and Stones, with proper Inscriptions on the Side or Sides thereof, denoting the Distances, to be erected, and for ever after maintained, at the Distance of every Mile from each other.

And be it further ordained and enacted by the Authority aforesaid, That whenever any Farm or other Lands belonging to the same Person or Persons shall be divided and separated into Two Parts by the said Railroad, the said Company of Proprietors shall erect and place a Gate or other moveable Barrier on each Side of the said Railroad in such Manner as to allow to the said Person or Persons a convenient Passage and Communication to, with, and between the Parts of the said Farm or other Lands so divided and separated as aforesaid: Provided always, that it shall not be lawful for such Person or Persons to cross or in any Manner pass over the said Railroad save and except at the Place where such Gates or Barriers shall be so erected as aforesaid; and provided also, that it shall be lawful for the said Company of Proprietors to make such Rules and Bye Laws for the opening and closing, Regulation, keeping, and using of the said Gates or Barriers as may be necessary or expedient for securing to the said Company the safe and unobstructed Use of the said Railroad, and to impose for each Offence against such Rules and Bye Laws, or any of them, a Penalty not exceeding Five Shillings Currency, to be recovered in like Manner as other Penalties under this Ordinance may be recovered.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, or the said Committee on their Behalf acting by their Chairman for the Time being, shall and are hereby required and directed to take a sufficient Security by One or more Bond or Bonds in a sufficient Penalty or Penalties from their Treasurer, Receiver, and Collector for the Time being, of the Monies to be raised by virtue of this Ordinance, for the faithful Execution by such Treasurer, Receiver, or Collector of his and their Office and Offices respectively.

And whereas several Persons have subscribed or may hereafter subscribe to advance Money towards carrying the Purposes of this Ordinance into execution; be it therefore further ordained and enacted by the Authority aforesaid, That the several Person and Persons who have subscribed or may hereafter subscribe to advance any Money for and towards making and maintaining the said Railroad and other Works connected therewith shall and they are hereby required

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to

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to pay the Sum or Sums of Money by them respectively subscribed for, or such Parts or Portions thereof as shall be called for from Time to Time by the said Company of Proprietors, under and by virtue of the Powers and Directions of this Ordinance, to such Person or Persons and at such Times and Places as shall be directed by the said Company of Proprietors, or the said Committee, in manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in manner required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law having competent Jurisdiction.

And be it further ordained and enacted by the Authority aforesaid, That all Fines and Forfeitures imposed by this Ordinance, or which shall be imposed by virtue of any Rule, Order, or Bye Law to be made in pursuance thereof, (of which Rule, Order, or Bye Law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which Fines and Forfeitures are not particularly herein provided for, shall, upon Proof of the Offence before any One or more Justice or Justices of the Peace for the District of Montreal, either by the Confession of the Party or Parties, or by the Oath or Affirmation of any One credible Witness (which Oath or Affirmation such Justice or Justices are hereby empowered and required to administer without Fee or Reward), be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and all such respective Fines, Forfeitures, and Penalties by this Ordinance imposed and inflicted, the Application whereof is not herein-before particularly directed, shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Ordinance, and shall be applied and disposed of for the Use of the said Railroad or Undertaking, and the Overplus of the Money raised by such Distress and Sale, after deducting the Penalty and the Expenses of the levying and Recovery thereof, shall be paid over to the Owner of the Goods so distrained and sold; and for Want of sufficient Goods and Chattels whereof to levy the said Penalty and Expenses the Offender shall be committed to the Common Gaol for the District of Montreal, there to remain, without Bail or Mainprize, for such Term, not exceeding Two Weeks, as such Justice or Justices shall think proper, unless such Penalty or Forfeiture, and all Costs and Expenses attending the same, shall be sooner paid and satisfied: Provided always, that the Informer or Prosecutor shall be deemed and taken to be a competent Witness in any Prosecution under this Section, if such Informer shall, before giving his or her Evidence, renounce his or her Right to any Portion of the Penalty sued for, which Penalty shall in such Case belong wholly to Her Majesty, for the public Uses of the Province.

And be it further ordained and enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Ordinance, every such Person or Persons may, within Four Calendar Months after the doing thereof, appeal to the Justices of the Peace at the General Quarter Sessions to be holden in and for the District of Montreal.

And be it further ordained and enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done or to be done in pursuance of this Ordinance, or in the Execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Ordinance and the special Matter in Evidence at any Trial to be held thereupon, and that the same was done in pursuance and by the Authority of this Ordinance, and if it shall appear to have been so done, or if any Action or Suit shall be brought after the Time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be nonsuit, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiffs, the Defendant or Defendants

fendan : shall have full Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for the said Company of Proprietors, in constructing and making the said Railroad, to connect the Island of Montreal, at or near St. Anne's, aforesaid, with the main Land at or near Vaudreuil aforesaid, by means of Bridges, and across the several intermediate Islands, by Bridges and Railroad crossing the Outlets of the Ottawa River at or near St. Anne's and Vaudreuil respectively, to be held and appropriated to the exclusive Use of this said Railroad or Undertaking, to the end of obtaining and securing a free and uninterrupted Communication by Rail-route, without the Necessity of Trans-shipment along the whole Route of the said Railroad from Montreal to the Termination thereof; and the said Company of Proprietors shall be and they are hereby further authorized to take and appropriate, for the Use of the said Railroad and Undertaking, so much of the Land covered with the Waters of the St. Lawrence and Ottawa Rivers respectively, or of their respective Beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect and construct such Wharves, Quays, Inclined Planes, Cranes, and other Works as to the said Company shall seem meet: Provided always, that the said Company shall not obstruct the free Navigation of the said Rivers Ottawa or St. Lawrence, or of any Outlet thereof, and shall in making such Bridge or Bridges leave such Opening or Openings of such Width and Height over the Channel or Channels of the said River or Outlets, and between the Piers of such Bridge or Bridges, as the Governor, Lieutenant Governor, or Person administering the Government shall direct, and shall construct such Bridge or Bridges, and use the Bed and Waters of the said River or Outlets, in such Manner only as they shall be authorized and empowered to do by an Instrument in Writing (accompanied by such Drawings and other Documents as may be necessary to the understanding thereof) to be prepared at the Expense of the said Company, and assented to and executed by the said Governor, Lieutenant Governor, or Person administering the Government, under his Hand and Seal, any thing in this Ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors, to entitle themselves to the Benefit and Advantages to them granted by this Ordinance, shall and they are hereby required to make and complete the said Railroad from Montreal aforesaid to Coteau du Lac aforesaid, in manner aforesaid, within Five Years from the passing of this Ordinance; and that the Book and Plan hereby required to be prepared shall be prepared and deposited of Record within Eighteen Months next after the passing of this Ordinance; and if the same shall not be so completed and deposited respectively within the said Period, so as to be used by the Public as aforesaid, then this Ordinance, and every Matter and Thing therein contained, shall cease and be utterly null and void as far only as regards such of the aforesaid Sections of the aforesaid Route of the said Railroad as shall not be then completed and in use, but shall remain in full Force and Effect with regard to any Section or Sections of the said Railroad which shall be completed and in use to the Public within the said Term of Five Years, as fully as if the whole Distance to Coteau du Lac aforesaid were completed, any thing in this Ordinance contained to the contrary notwithstanding: Provided always, that if the said Railroad shall not have been commenced, or if the Sum of Twenty thousand Pounds Currency, or a greater Sum, shall not have been expended on the said Railroad and the Works thereunto appertaining, within Two Years and Six Months from the passing of this Ordinance, then this Ordinance, and every Matter and Thing therein contained, shall cease and become utterly null and void and of no effect, unless One Section at least of the said Railroad shall have been completed and in use before the Expiration of the said Term of Two Years from the passing of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That at any Time before or after the making and completing the said Railroad or Undertaking it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the Possession and Property of the same, and of all and every the Works and Dependencies thereunto belonging or in anywise appertaining,

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upon paying to the said Company of Proprietors, their Successors and Assigns, the full Amount of their respective Shares, or of the Sums furnished and advanced by such Subscriber towards making and completing the said Railroad and Works connected therewith, together with such further Sum as will amount to Twenty per Centum upon the Monies so advanced and paid, as full Indemnification to such Company of Proprietors, by annual Payments of at least Twenty per Cent, allowing moreover to the said Company Six per Cent. Interest upon the unredeemed Part of the Capital, but not allowing them any Interest upon the Advance of Twenty per Cent. which is allowed them as aforesaid; and the said Railroad or Undertaking, and all and every the Works and Dependencies thereunto belonging, shall, from the Time of such Assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the Place and Stead of the said Company of Proprietors, their Successors and Assigns, for all and every the Purposes of this Ordinance, in so far as regards the said Railroad or Undertaking.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors shall, between the First Day of January and the Thirty-first Day of December in each and every Year, and at such Time within the said Periods as the Governor, Lieutenant Governor, or Person administering the Government of the said Province shall appoint, lay before him, or such Officer as he shall direct to receive the same, a detailed and particular Account, attested upon Oath, of all Monies by the said Company received or expended under the Authority of this Ordinance, with a Statement of the Amount of Tonnage and of Passengers conveyed along the said Railroad, or such Section or Sections thereof as shall then be completed and in use.

And be it further ordained and enacted by the Authority aforesaid, That nothing herein contained shall affect or be construed to affect in any Manner or Way whatsoever the Rights of Her Majesty, Her Heirs and Successors, or of any Person or Persons, or of any Bodies Politic, Corporate, or Collegiate, such only excepted as are herein mentioned.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be deemed and taken to be a Public Act or Ordinance, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and others, without being specially pleaded.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 154.

No. 154.

An Ordinance to repeal in part, and to amend, and to render permanent as amended, a certain Ordinance therein mentioned, relative to Taverns and Tavern Keepers; and to make further Provision relative to the same Subjects.

Amending an Ordinance relative to Taverns and Tavern Keepers.

[Passed 25th June 1840.]

WHEREAS it is expedient to amend and render permanent a certain Ordinance passed in the Second Year of Her Majesty's Reign, and intituled "An Ordinance to amend a certain Act therein mentioned, and to provide for the better Regulation of Taverns and Tavern Keepers," and to make further Provision with regard to the same Subject; be it therefore ordained and enacted by his Excellency the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, and intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That any Complaint for any Offence against any of the Provisions of the Ordinance herein-before cited may be prosecuted before any Two Justices of the Peace residing in the County in which the Offence shall have been committed, and such Justices of the Peace shall, with regard to such Offender and to such Offence, and to all the legal Consequences thereof, have all the Powers, Authority, and Jurisdiction vested with regard to the same in any Two Justices of the Peace residing within the Parish, Seignior, or Township in which the Offence may have been committed by the Seventeenth Section of the said Ordinance: Provided always, that no such Offender shall by such Justices of the Peace be enjoined to appear or to answer such Complaint at any Place out of the Limits of the Parish, Seignior, or Township in which the Offence shall have been committed.

And be it further ordained and enacted by the Authority aforesaid, That no Person who shall after the passing of this Ordinance obtain a Licence to retail Wine, Brandy, Rum, or other spirituous Liquors (commonly called a Grocer's or Storekeeper's Licence), but shall have no Licence to keep a House of public Entertainment, and to retail spirituous Liquors therein, shall, under such Licence, or under any Pretext whatever, retail such Wine, Brandy, Rum, or other spirituous Liquors in less Quantity than Three Half-pints at one Time, any Law, Statute, or Ordinance to the contrary notwithstanding; and any Person or Persons who shall contravene the Provisions of this Section shall thereby incur the same Penalty (to be sued for, recovered, and levied in the same Manner and under the same Provisions) as by the Laws now in force in this Province is imposed on any Person or Persons selling Wine, Brandy, Rum, or other spirituous Liquors without a Licence.

And be it further ordained and enacted by the Authority aforesaid, That the Nineteenth Section of the Ordinance herein-before cited and hereby amended, which said Section is in the Words following: "And be it further ordained and enacted by the Authority aforesaid, That every Person keeping a House of public Entertainment, who shall be convicted of any Offence against this Ordinance, shall be thereby deprived of his Licence, which shall by such Conviction alone be cancelled and annulled, and such Person shall be incapable of holding any Licence for a like Purpose during the Continuance of this Ordinance," shall be and the said Section is hereby repealed.

And whereas it appears that from insufficient Information laid before the Justices of the Peace residing in the City of Montreal and the Suburbs or Banlieue thereof, at and before their Special Session held between the Twentieth and Thirtieth Days of January One thousand eight hundred and forty, the said Justices were induced to refuse Certificates of Qualification for keeping Houses of public Entertainment and retailing spirituous Liquors therein according to the Provisions of the Second Section of the Ordinance above cited to divers

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Persons to whom they would otherwise have granted such Certificates; for Remedy thereof, and for the Relief of the Persons to whom Certificates were so refused as aforesaid, be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace residing in the said City of Montreal, and the Suburbs or Banlieue thereof, at a Special Session which they are hereby authorized to hold on some Day in the Month of July in the present Year One thousand eight hundred and forty, to grant Certificates of Qualification for keeping Houses of public Entertainment, and for retailing spirituous Liquors therein, to all Persons to whom they were induced by insufficient Information to refuse such Certificates at the said Special Session held in the Month of January One thousand eight hundred and forty; and the Certificates to be so granted shall have the same Force and Effect, until the Twentieth Day of May One thousand eight hundred and forty-one as if they had been granted at the said Special Session in the said Month of January One thousand eight hundred and forty, any thing in the said Ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance, and the Ordinance herein-before cited, as hereby amended, shall be and are hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 155.

Providing for the further Protection of the Indians in this Province.

No. 155.

An Ordinance to repeal certain Parts of an Ordinance therein mentioned, and to amend certain other Parts of the said Ordinance; and to provide for the further Protection of the Indians in this Province.

[Passed 25th June 1840.]

WHEREAS it is necessary to repeal certain Parts of an Ordinance herein-after mentioned, and to amend certain other Parts of the said Ordinance, and to make Provisions for the further Protection of the Indians in this Province; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament,

That from and after the passing of this Ordinance so much of an Ordinance passed in the Seventeenth Year of the Reign of His late Majesty George the Third, intituled "An Ordinance to prevent the selling of strong Liquors to the Indians in the Province of Quebec, as also to deter Persons from buying their Arms or Clothing, and for other Purposes relative to the Trade and Intercourse with the said Indians," as is contained in the Fourth Clause thereof, shall be and the same is hereby repealed.

N. 155.

Providing for the further Protection of the Indians in this Province.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the Governor of this Province, by a written Instrument, to order any Person who heretofore hath been, or now is, or may hereafter become resident in any of the Indian Villages in this Province, to remove from such Village; and in case of default by the said Person or Persons so to remove from such Indian Village, within Seven Days from such Order being signified to him, he shall forfeit the Sum of Five Pounds Currency for each and every Day after the said Seven Days during which he shall continue to reside or remain in such Indian Village, with all Costs of Prosecution, and shall suffer Imprisonment for a Period not less than One Month and not exceeding Two Months, and further until he shall have paid the said last-mentioned Penalty and Costs.

And be it further ordained and enacted by the Authority aforesaid, That all the Penalties imposed by the Second and Third Clauses of the said Ordinance for the Offences therein specified, and all the Penalties and Forfeitures imposed by this Ordinance, shall be recovered by Information on behalf of Her Majesty, Her Heirs or Successors, before any Two or more of Her Majesty's Justices of the Peace for the District or Division of the said Province in which the Offence shall have been committed, and such Two or more Justices of the Peace are hereby authorized and required to hear and determine such Information in a summary Manner, and upon the Oath of One credible Witness, and to levy the said Penalties, together with the Costs of suing for the same, by a Warrant to seize and sell the Goods and Chattels of the Person or Persons offending, and to inflict the said Imprisonment in the Manner herein-before provided; all which said Penalties and Forfeitures shall be paid into the Hands of Her Majesty's Receiver General for the public Uses of this Province.

And be it further ordained and enacted by the Authority aforesaid, That all Informations under and by virtue of this Ordinance shall be brought within Six Calendar Months from the Time that the Offence shall have been committed, and not afterwards.

And be it further ordained and enacted by the Authority aforesaid, That the Word "Governor" shall be taken and held to mean and comprehend as well the Governor as the Lieutenant Governor and Person administering the Government of this Province for the Time being.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and remain a permanent Law and in full Force until it shall be repealed by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-fifth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-fifth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council,

No. 156.

(Copy.)

No. 156.

Safe keeping of
Gunpowder within
the City of Mont-
real.

*An Ordinance to provide more effectually for the safe storing and keeping
of Gunpowder within and near the City and Town of Montreal.*

[Passed 16th June 1840.]

WHEREAS it is expedient and necessary to make more effectual Provision for the safe storing and keeping of Gunpowder in and near the City and Town of Montreal; be it therefore ordained and enacted by his Excellency the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament, passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament, for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That, from and after the First Day of July now next ensuing, it shall not be lawful for any Person or Persons whomsoever to store, keep, or have, within the City or Town of Montreal, or within Three Miles from the Boundaries thereof, any Quantity of Gunpowder exceeding in Weight Twenty-five Pounds, at any One Time, in any House, Building, or Place, other than and except in a Building or Buildings constructed or to be constructed of Stone covered with Metal, made Fire-proof, and furnished with proper Lightning Rods or Conductors, and at the Distance of at least Two hundred Feet on every Side from any other Building whatever, which Building or Buildings, constructed and completed as aforesaid, before any Gunpowder shall be stored or kept therein, shall be certified by a Person of competent Skill to be sufficient for the safe storing and keeping of Gunpowder therein, and shall be approved of, as being sufficient for that Purpose, by Two or more of the Justices of the Peace resident in the said City or Town of Montreal.

And be it further ordained and enacted, That any Person or Persons who shall store, keep, or have any Quantity of Gunpowder exceeding the said Quantity of Twenty-five Pounds at any One Time, in any Building or Place within the Limits aforesaid, other than and except in a Building constructed, covered, furnished, and situated as aforesaid, shall forfeit to Her Majesty, Her Heirs and Successors, for every such Offence the Sum of Ten Pounds Sterling Money of Great Britain, and all and every such Gunpowder so stored or kept contrary to the Provisions of this Ordinance shall be and remain forfeited to Her Majesty, Her Heirs and Successors.

And be it further ordained and enacted, That One Half of the said Penalty of Ten Pounds, and of the Gunpowder forfeited in virtue of this Ordinance, shall belong to the Person who shall sue for the same within Three Months from the Commission of the Offence, and One Half thereof to Her Majesty, Her Heirs and Successors; and the said Penalty may be sued for and recovered, and the Forfeiture of Gunpowder in pursuance of this Ordinance be declared and adjudged, in any Court of Record in this Province, or by and before any Two Justices of the Peace for the District of Montreal, who may cause the said Penalty, with Costs, to be levied by and under their Warrant of Distress, after Conviction of the Offender or Offenders, on the Oath of One or more credible Witness or Witnesses other than the Informer, and shall and may declare and adjudge such Forfeiture of Gunpowder as aforesaid, and that the same be sold, and the Proceeds thereof divided, under their Authority, according to the Provisions of this Ordinance.

And be it further ordained and enacted, That it shall be lawful for any Justice of the Peace for the District of Montreal, on Information and Complaint on Oath made before him, or on Complaint by any Two or more Household-ers, being Inhabitants within the said Limits, assigning a reasonable Cause for believing that any Quantity of Gunpowder exceeding in Weight Twenty-five Pounds is stored or kept within the Limits aforesaid, contrary to the Provisions

of this Ordinance, to issue his Warrant under his Hand and Seal, to be directed to One or more Constables of the said City and Town of Montreal, for the Seizure of the said Gunpowder, and for the Conveyance of the same to a Place in which it may be lawfully stored and kept with Safety; and the Constable or Constables charged with the Execution of any such Warrant shall have full Power and Authority to enter into, and, if there shall be Occasion, to break open the Door of the House, Building, or Place mentioned in such Warrant, in the Day-time only, and there search for, seize, and secure such Gunpowder, to be conveyed as aforesaid, and to be detained until it shall be determined, in due Course of Law as aforesaid, whether the same hath been or shall be declared forfeited by virtue of this Ordinance.

Provided always, and be it further ordained and enacted, That this Ordinance, or any thing herein contained, shall not be construed in any Manner to relate to or affect any Storehouse or Magazine belonging to Her Majesty, Her Heirs or Successors, wherein Gunpowder or other Stores shall be kept for the Use of the Public, or to the Conveyance of Gunpowder to or from Her Majesty's Magazines, or by Her Majesty's Forces employed on a Military Service.

And be it further ordained and enacted, That this Ordinance, and the Provisions therein, shall not cease or expire on the First Day of November which will be in the Year of our Lord One thousand eight hundred and forty-two, but shall be and remain a permanent Law, and in full Force in this Province, until the same shall be repealed or altered by competent Legislative Authority, and shall also be held and taken to be a Public Act, and as such judicially taken notice of in all Courts, and by all Judges, Justices, and others, without specially pleading the same.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Sixteenth Day of June, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Sixteenth Day of June One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 157.

An Ordinance for making a Railroad from Carillon to Grenville.
[Passed 26th June 1840.]

No. 157.

Making a Railroad
from Carillon to
Grenville.

WHEREAS the several Persons herein-after mentioned have by their Petition represented the public Advantages which would arise from the Construction of a Railroad from Carillon, on the River Ottawa, to Grenville, also on the said River, so as to facilitate the Carriage of Passengers, Goods, Wares, and Merchandise between that Part of the said River lying below the Rapids of the Long Sault and that Part thereof lying above the same, and thereby to promote and encourage the Trade and Intercourse between the City of Montreal and those Places in this Province lying above the said Rapids, and also between

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this Province and the Province of Upper Canada; and have by the said Petition prayed to be incorporated, and that divers Powers and Privileges may be granted to them for the Purpose of enabling them to construct such Railroad: And whereas it is expedient to grant the Prayer of the said Petitioners, subject to the Enactments, Provisions, and Limitations herein-after set forth and contained; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the same, and by virtue of the Powers in them vested by the said Acts of Parliament, That Charles John Forbes, Edward Jones, John Lee, William Smith, Charles Forbes junior, William Jameson, Joseph Abbott, Horace Lee Forbes, Arthur Lloyd, George Morrison, and such others as may hereafter, under the Provisions of this Ordinance, become Subscribers to and Proprietors of any Share or Shares in the Railroad hereby authorized to be made, and their several and respective Heirs, Executors, Administrators, Curators, and Assigns, being Proprietors of any Share or Shares in the said Railroad, shall be and are hereby constituted a Corporation, Body Politic and Corporate, for the making, completing, carrying on, and maintaining the said Railroad according to the Provisions and Enactments of this Ordinance, by and under the Name and Style of "The Company of Proprietors of the Upper and Lower Ottawa Railroad," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase Lands, Tenements, and Hereditaments, construct or hire Wharves, Storehouses, or other Buildings for the Convenience of themselves, their Successors and Assigns, for all useful Purposes connected with the said Railroad, without Her Majesty's Lettres d'amortissement; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to make and complete a Railroad, from a Point on or near the River Ottawa, and at or near Carillon aforesaid, to a Point on or near the said River at or near Grenville aforesaid, in as direct a Line as local Circumstances and the Nature of the Ground will permit, and are for that Purpose hereby authorized and empowered to enter into and upon the Lands and Grounds of the Queen's most Excellent Majesty (subject to the Limitations herein-after expressed), or of any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Communities whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Railroad, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the said intended Railroad and other Works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay Earth, Stone, Clay, Soil, Rubbish, Gravel, Sand, Trees, Roots of Trees, and other Matters or Things which may be dug or got in making the said intended Railroad or other Works, on or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making or repairing the said intended Railroad, or other Works incidental or relative thereto, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively, according to the Intent and Purposes of this Ordinance, and to make, build, erect, and set up, in or upon the said intended Railroad, or upon the Lands adjoining or near the same respectively, such and so many Houses, Warehouses, Weighing-beams, Cranes, Fire Engines, Steam Engines, locomotive, stationary, or other Engines, Inclined Planes, Machines, and other Works, Ways, Roads, and Conveniences, as and when the said Company of Proprietors shall

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shall think proper, requisite, and convenient for the Purposes of the said Railroad, and also from Time to Time to alter, divert, repair, widen, enlarge, and extend the same, and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said intended Railroad, and to construct, erect, and keep in repair any Piers, Arches, and other Works upon or across any Rivers or Brooks, for the making, using, maintaining, and repairing the said intended Railroad, and to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Railroad and other Works, in pursuance of and according to the true Intent and Meaning of this Ordinance, they the said Company of Proprietors doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the Owners or Proprietors of or the Persons interested in the Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, prejudiced, or of which the Course shall be altered, or for all Damages to be by such Owners or Proprietors sustained in and by the Execution of all or any of the Powers granted by this Ordinance, and this Ordinance shall be sufficient to indemnify the said Company of Proprietors, and their Servants, Agents, or Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned.

And be it further ordained and enacted, by the Authority aforesaid, That, for the Purposes of this Ordinance, the said Company shall, by some sworn Land Surveyor in this Province, and by some Engineer by them to be appointed, cause to be taken and made Surveys and Levels of the Lands through which the said intended Railroad is to pass or be carried, together with a Plan or Map of such Railroad, and of the Course and Direction thereof, and of the Lands through which the same is to pass, and also a Book of Reference for the said Railroad, in which shall be set forth a Description of the said several Lands, or such Parts thereof through which the said Railroad shall pass, with the Names of the Owners, Occupiers, and Proprietors thereof, and in which shall be contained every thing necessary for the right understanding of such Map or Plan, which said Map or Plan, and Book of Reference, shall be so made or caused to be made in Triplicate, and shall be certified by the Surveyor General or his Deputy, who shall deposit One Part thereof in the Office of the Prothonotary of the Court of King's Bench of and for the District of Montreal, One other in the Office of the Secretary of the Province, and the remaining One he shall deliver to the said Company of Proprietors; and all Persons shall have Liberty to resort to such Copies so to be deposited as aforesaid, and make Extracts or Copies thereof, as Occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the Rate of Sixpence Current Money of this Province for each and every Hundred Words; and the said Copies of the said Map or Plan and Book of Reference, so certified, or a true Copy or Copies thereof, certified by the Secretary of the Province, or by the said Prothonotary of the Court of King's Bench for the District of Montreal, shall severally be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That where the said Railroad shall cross any public Highway the Ledge or Flanch of such Railroad for the Purpose of guiding the Wheels of the Carriages shall not rise above the Level of such Road nor sink below such Level more than One Inch.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That where any Bridge shall be erected or made by the said Company for the Purpose of carrying the said Railroad over or across any public Highway, the Space of the Arch of any such Bridge shall be formed, and shall at all Times be and be continued of such Breadth as to leave a clear and open Space under each and every such Arch of not less than Fifteen Feet, and a Height from the Surface of such public Highway to the Centre of such Arch of not less than Sixteen Feet, and the Descent under such Bridge shall not exceed One Foot in Thirteen Feet.

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Provided always, and be it further ordained and enacted by the Authority aforesaid, That in all Places where it may be necessary to erect, build, or make any Bridge or Bridges for carrying any public Highway over the said Railroad, the Ascent of such Bridge, for the Purpose of such Highway, shall not be steeper than One Foot in Thirteen Feet; and a good and sufficient Fence shall be made by the said Company on each Side of each such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That in all Cases where the said intended Railway shall cross any public Highway on a Level therewith, the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of such public Highway where the said Railway shall communicate with such public Highway, which Gates shall be constantly kept shut, except at such Time as Waggons, Carts, and other Carriages passing along the said Railway shall have to cross such public Highway, and they shall be opened for the Purpose only of letting such Waggons, Carts, or other Carriages pass through; and every Driver or Person intrusted with the Care of any Waggon, Cart, or other Carriage, or with any Train of Waggons, Carts, or other Carriages, shall and he is hereby directed to cause the said Gates and each of them to be shut as soon as such Waggons, Carts, or other Carriages shall have passed through, under a Penalty of Five Shillings for each Offence, to be recovered in like Manner as other Penalties under this Ordinance may be recovered.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors, in making the said intended Railroad, shall not deviate more than Two Arpents from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, place, lay down, or convey the said Railroad into, through, across, under, or over any Part or Parts of the several Estates, Lands, or Grounds now or late belonging or reputed to belong to the said several and respective Persons named or described in the said Book of Reference, other than such Part or Parts as are mentioned in the said Book of Reference in that Behalf (save in such Instances only as are particularly hereby provided for), without the Approbation and Consent in Writing signed by the Owner or Owners or Person or Persons for the Time being entitled to the Rents and Profits of such Estates, Lands, or Tenements respectively.

Provided always, and be it hereby further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors shall and may make their said intended Railroad through, across, or over the Lands or Grounds of any Person or Persons whomsoever into whose Estates, Lands, or Grounds such Deviations as aforesaid shall extend, although his, her, or their Name or Names is or are not mentioned in the said Book of Reference, or into the Estate, Lands, or Grounds of any Person or Persons whose Name or Names hath or have been by Mistake omitted, or that instead of his, her, or their Name or Names the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, or Grounds do not belong hath or have been by Mistake inserted in the said Book of Reference.

And be it further ordained and enacted by the Authority aforesaid, That the Lands or Grounds to be taken or used for such intended Railroad, and the Ditches, Drains, and Fences to separate the same from the adjoining Lands, shall not exceed Twenty Yards in Breadth, except in such Places where the said intended Railroad shall be raised more than Five Feet higher or cut more than Five Feet deeper than the present Surface of the Land, and in such Places where it shall be deemed necessary to have Offsets for the locomotive or other Engines and Carriages using the said intended Railroad to lie or pass each other, and not above One hundred and fifty Yards in Breadth in any such Place, or where any Houses, Warehouses, Toll Houses, Watch-houses, Weighing-beams, Cranes, fixed Engines, or Inclined Planes may be erected, or Goods, Wares, or Merchandizes be delivered, and then not more than Two hundred Yards in Length by One hundred and fifty Yards in Breadth, without the Consent of the Proprietors.

And be it further ordained and enacted by the Authority aforesaid, That after any Lands or Grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Railroad and other Works, and other the

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Purposes and Conveniences herein-before mentioned, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Communities, Guardians, Curators, Executors, Administrators, and other Trustees or Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of those whom they represent, whether Issue unborn, Infants, Lunatics, Idiots, Females Covert, or other Person or Persons, who are or shall be seised, possessed of, or interested in any Lands or Grounds which shall be set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey unto the said Company of Proprietors, their Successors and Assigns, all or any such Lands or Grounds which shall from Time to Time be set out and ascertained as aforesaid; and that all Contracts, Agreements, Sales, Conveyances, and Assurances so to be made shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, or Communities, and all Persons whosoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them, shall respectively do by virtue or in pursuance of this Ordinance; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, or notarial Copies thereof, shall, at the Expense of the said Corporation, be deposited of Record in the Office of the Prothonotary of the Court of King's Bench for the District of Montreal, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That any Body Politic, Community, Corporation, or other Person or Persons whosoever, who cannot in common Course of Law sell or alienate any Lands or Grounds so set out and ascertained, shall agree upon a fixed annual Rent as an Equivalent, and not on a Principal Sum, to be paid for the Lands or Grounds so set out and ascertained as necessary for making the said Railroad, and other the Purposes and Conveniences relative thereto and connected therewith; and in case the Amount of such Rent shall not be fixed by voluntary Agreement, or Compromise, or by Arbitration between the Parties, it shall be fixed by a Jury convened and qualified in the Manner herein-after prescribed, and all Proceedings and Litigations in Court shall in that Case be regulated as is herein-after prescribed; and for the Payment of the said annual Rent, and every other annual Rent agreed upon or ascertained for the Purchase of any Lands or Grounds, the said Railroad, and the Tolls to be levied and collected thereon, shall be and are hereby made liable and chargeable in preference to all other Claims or Demands thereon whatsoever.

And be it further ordained and enacted by the Authority aforesaid, That as soon as the said Map or Plan and Book of Reference shall have been made and deposited as aforesaid it shall then be lawful for the said Company of Proprietors to apply to the several Owners of the Estates, Lands, and Grounds through which such Railroad is intended to be carried, and to agree with such Owners respectively touching the Compensation to be paid unto them by the said Company of Proprietors for the Purchase thereof, and for their respective Damages; and in case of Disagreement between the said Company and the said Owners, or any of them, then all Questions which shall arise between the said Company and the several Proprietors of and Persons interested in any Estates, Lands, or Grounds that shall or may be taken, affected, or prejudiced by the Execution of any of the Powers hereby granted, or with regard to any Indemnification for Damages which may or shall be at any Time or Times sustained by any Bodies Politic or Corporate, or Communities, or any other Person or Persons respectively, being Owners of or interested in any Estates, Lands, or Grounds, for or by reason of the making, repairing, or maintaining the said Railroad or other Works, or Machines incidental or relative thereto or connected therewith, shall and may be settled by Agreement of the Parties or by Arbitration; or if either of the Parties shall not be inclined to make an Agreement, or to appoint Arbitrators, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat or make such Agreement, or enter into such Arbitration, or shall not produce a clear Title to the Premises which they claim an Interest in, then and in every such Case the said Company of Proprietors may make Application to the Court of King's Bench

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for the District of Montreal, stating the Grounds of such Application, and such Court is hereby empowered and required from Time to Time, upon such Application, to issue a Warrant directed to the Sheriff of the District of Montreal for the Time being, commanding such Sheriff to impanel, summon, and return a Jury, qualified according to the Laws of this Province to be returned for Trials of Issues joined in Civil Cases in the said Court of King's Bench, to appear before the said Court at such Time and Place as in such Warrant shall be appointed; and all Parties concerned may have their lawful Challenge against any of the said Jurymen, but shall not challenge the Array; and the said Court is hereby empowered to summon and call before them all and every such Person and Persons as it shall be thought necessary to examine as Witnesses touching the Matters in question; and the said Court may authorize and order the said Jury, or any Six or more of them, to view the Place or Places or Matter in controversy; which Jury upon their Oaths (all which Oaths, as well as the Oaths to be taken by any Person or Persons who shall be called upon to give Evidence, the said Court is hereby empowered to administer,) shall inquire of, assess, and ascertain the distinct Sum or Sums of Money or annual Rent to be paid for the Purchase of such Lands or Grounds or Tenements, or the Indemnification to be made for the Damage that may or shall be sustained as aforesaid; and in so doing the said Jury shall take into consideration the Damage or Inconvenience which may arise by means of any Bridges, Roads, or other Communication made necessary by reason of the said Railroad, and assess separate Damage for the same; and the said Jury shall distinguish the Value set upon the Lands, and the Money assessed or adjudged for Damages, separate and apart from each other; and the said Court shall give Judgment for such Sum, Rent, or Indemnification so to be assessed by such Juries; which said Verdict, and the Judgment so thereupon pronounced, shall be binding and conclusive to all Intents and Purposes against the Queen's Majesty, Her Heirs and Successors, and against all Bodies Politic, Corporate, or Collegiate, or Committees, and all Persons whomsoever.

And be it further ordained and enacted by the Authority aforesaid, That in all Cases where a Verdict shall be given for more Money as an Indemnification or Satisfaction for any Lands, Grounds, or Hereditaments, or Property, or for any Damage done to any Lands, Grounds, Hereditaments, or Property, or for any annual Rent of any Lands, Grounds, Hereditaments, Rents, or Property of any Person or Persons whomsoever, than had previously been offered by or on behalf of the said Company of Proprietors, then all the Expenses of summoning such Jury and taking such Inquest shall be settled by the Court and defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same or a less Sum than had been previously offered by and on behalf of the said Company of Proprietors, or in case no Damages shall be given by the Verdict when the Dispute is for Damages only, then and in every such Case the Costs and Expenses shall be settled in like Manner by the Court, and be borne and paid by the Party or Parties with whom the said Company of Proprietors shall have had such Controversy; which said Costs and Expenses, having been so settled, shall and may be deducted out of the Monies so assessed and adjudged, when the same shall exceed such Costs and Expenses, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged as aforesaid.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That all and every Person and Persons making complaint and requesting such Jury shall, before the Issue of the Warrant or Warrants for the summoning such Jury as aforesaid, enter into a Bond before One of the Judges of the Court of King's Bench for the District of Montreal, with One sufficient Surety, to the Treasurer of the said Company of Proprietors, or their Successors for the Time being, in the Penalty of Two hundred Pounds Currency, to prosecute his, her, or their Complaint, and to bear and pay the Costs and Expenses of summoning such Jury and taking such Inquest, in case no Damages shall be given by the Verdict to such Party, or in case a Verdict shall be given for no more or for a less Sum or Rent than had been offered by and on behalf of the said Company of Proprietors or their Successors before the

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summoning or returning of the said Jury or Juries, as an Indemnification or Satisfaction for any Lands, Grounds, or Hereditaments, or for any annual Rent, or for any Damages as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That upon Payment or legal Tender of such Sum or Sums of Money or annual Rent as shall be contracted or agreed for between the Parties, or determined by Arbitrators, or assessed by Juries in manner respectively as aforesaid, to the Proprietors thereof or other Person or Persons entitled to receive the same, or to the principal Officer or Officers of any such Body Politic, Corporate, or Collegiate, or Community, at any Time after the same shall have been so agreed for, determined, or assessed, such Lands, Grounds, and Hereditaments, or Property respectively may be entered upon and taken possession of by the said Company of Proprietors, and applied to the Purposes of making and maintaining the said Railroad and other Works and Conveniences thereunto appertaining.

And be it further ordained and enacted by the Authority aforesaid, That all Agreements, Sales, and Conveyances, and all Determinations by Arbitrators as aforesaid, or notarial Copies thereof, when the same may be passed before Notaries, and also the said Verdicts and Judgments thereupon, shall be transmitted to and kept by the Prothonotary of the Court of King's Bench for the District of Montreal, to be kept among the Records of the said Court, and shall be deemed and taken to be Records of the said Court to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever in this Province, and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling Currency, and to have and obtain Copies thereof, paying for every Copy thereof not exceeding One hundred Words the Sum of Sixpence Currency, and so on in proportion for any Number of Words; and immediately on such Payments of Purchase Money or Rents as aforesaid, and Entry of such Agreements, Sales, Conveyances, Determination by Arbitration, Verdicts, Judgments, or other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity, of the Person and Persons for whose Use such Money or Rent shall be paid, in or arising out of the said Lands, Grounds, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors and their Successors, and they shall respectively be deemed in Law to be in actual Possession and Seisin of the same, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate therein had been able to convey, and had actually conveyed the same to them by the most effectual legal Conveyance; and such Payment shall bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use the same shall be made, Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Communities, Women subject to marital Authority, Minors, Persons interdicted, or Absentees, who may have or claim to have any Right, Title, Interest, Claim, or Demand therein, and of every other Person or Persons whomsoever, even for Dower not yet open (*Douaire non encore ouvert*), any Law to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That Application to the said Court for Indemnity for any Damage or Injury sustained by reason of the Powers and Authority given by this Ordinance shall be made within Six Calendar Months next after the Time of such supposed Damage sustained, or in case there shall be a Continuation of Damage then within Six Calendar Months after the doing or committing such Damage shall cease, and not afterwards; and the Defendant or Defendants shall and may plead the General Issue, and give this Ordinance and the special Matter in Evidence at any Trial to be had thereupon, and may aver that the same was done in pursuance of and by Authority of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That if any Person shall by any Means, or in any Manner or Way whatsoever, obstruct or interrupt the free Use of the said Railroad, or of the Carriages, Engines, or other Works incidental or relative thereto or connected therewith, such Person shall for every such Offence incur a Forfeiture or Penalty of not less than Five Pounds nor exceeding Ten Pounds Currency, which Penalty or Forfeiture may

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be recovered before One or more Justices of the Peace for the said District of Montreal; and one Moiety thereof shall go to the Prosecutor or Informer, and the other Moiety to Her Majesty, Her Heirs and Successors, and shall be paid into the Hands of the Receiver General, and shall remain at the Disposal of the Legislative Authority of this Province for the public Uses thereof.

And be it further ordained and enacted by the Authority aforesaid, That if any Person or Persons shall wilfully or maliciously, and to the Prejudice of the said Railroad authorized to be made by this Ordinance, break, throw down, damage, or destroy the same, or any Part thereof, or any of the Houses, Warehouses, Toll Houses, Weighbeams, Cranes, Carriages, Engines, Inclined Planes, Machines, or other Works or Devices incidental and relative thereto or connected therewith, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said Railroad, such Person or Persons shall be adjudged guilty of Felony, and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be punished in like Manner as Felons are directed to be punished by the Laws in force in this Province, or in mitigation thereof to award such Sentence as the Law directs in Cases of Petty Larceny, as to such Court shall seem fitting.

And to the end that the said Company of Proprietors may be enabled to carry on so useful an Undertaking; be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors and their Successors to raise and contribute among themselves, in such Proportions as to them shall seem meet and fitting, a competent Sum of Money for the making and completing the said Railroad, and all such other Works, Matters, and Conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Railroad and other Works: Provided always, that the Members of the said Corporation whose Names are herein-before mentioned shall cause Books of Subscription to be opened in the said City of Montreal for receiving the Signatures of Persons willing to become Subscribers to the said Undertaking, and for this Purpose they shall be held and bound to give public Notice during at least Four successive Weeks in the Montreal Gazette, if then published, and any other public Newspaper in extensive Circulation, of the Time and Place at which such Books shall be opened and ready for receiving Signatures as aforesaid, and of the Persons by them authorized to receive such Subscriptions, and every Person who shall write his or her Signature in such Book as a Subscriber to the said Undertaking shall thereby become a Member of the said Corporation, and shall have the same Rights and Privileges as such as are hereby conferred on the several Persons who are herein mentioned by Name as Members of the said Corporation; provided always, that the Sum so raised shall not exceed Thirty thousand Pounds Currency of this Province in the whole except as is herein-after mentioned, and that the same be divided into such Number of Shares as hereafter directed at a Price not exceeding Fifty Pounds Currency aforesaid per Share, and the Money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this Ordinance, and for making the Surveys, Plans, and Estimates incident thereunto, and all other Expenses relating thereunto, and all the Rest, Residue, and Remainder of such Money for and towards making, completing, and maintaining the said Railroad and other the Purposes of this Ordinance, and to no other Use, Intent, or Purpose whatever.

And be it further ordained and enacted by the Authority aforesaid, That the said Sum of Thirty thousand Pounds Currency, or such Part thereof as shall be raised by the several Persons herein-before named, and by such other Person and Persons as shall or may at any Time within Twelve Calendar Months from the passing of this Ordinance become a Subscriber or Subscribers to the said Railroad, shall be divided and distinguished into Six hundred equal Parts or Shares, at a Price not exceeding Fifty Pounds Currency aforesaid per Share, and that the Shares be deemed Personal Estate, and shall be transferrable as such; and that the said Six hundred Shares shall be and are hereby vested in the said several Subscribers, and their several and respective Heirs, Executors, Curators, Administrators, and Assigns, to their and every of their proper Use

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and Behoof, proportionally to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the Bodies Politic, Corporate, or Collegiate, or Communities, and all and every Person and Persons, their several and respective Successors, Executors, Curators, Administrators, and Assigns, who shall severally subscribe and pay the Sum of Fifty Pounds Currency, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Railroad, shall be entitled to and receive, after the said Railroad shall be completed, and not before, the entire and net Distribution of One Six-hundredth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Ordinance, and so in proportion for any greater Number of Shares; and every Body Politic, Corporate, or Collegiate, or Community, Person or Persons, having such Property of the One Six-hundredth Part or Share in the said Undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional Sum of Money towards carrying on the intended Undertaking in the Manner by this Ordinance directed and appointed.

And be it further ordained and enacted by the Authority aforesaid, That in case the said Sum of Thirty thousand Pounds Currency, herein-before authorized to be raised, shall be found insufficient for the Purposes of this Ordinance, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute among themselves in manner and form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, a further or other Sum of Money for completing and perfecting the said intended Railroad, and other Works and Conveniences incidental or relative thereto, not exceeding the Sum of Fifteen thousand Pounds Currency aforesaid; and every Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and have a like Vote by himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Obligations, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she, or they shall or may subscribe thereto, as generally and extensively as if such other and further Sum had been originally raised and a Part of the said first Sum of Thirty thousand Pounds, any thing herein contained to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Number of Votes to which each Proprietor of Shares in the said Undertaking shall be entitled on every Occasion when, in conformity to the Provisions of this Ordinance, the Votes of the Members of the said Company of Proprietors are to be given, shall be in the Proportion following; that is to say, for One Share and not more than Two, One Vote; for every Two Shares above Two and not exceeding Ten, One Vote, making Five Votes for Ten Shares; for every Four Shares above Ten and not exceeding Thirty, One Vote, making Ten Votes for Thirty Shares; for every Six Shares above Thirty and not exceeding Sixty, One Vote, making Fifteen Votes for Sixty Shares; for every Eight Shares above Sixty and not exceeding One hundred, One Vote, making Twenty Votes for One hundred Shares; and for every Ten Shares above One hundred Shares and not exceeding One hundred and fifty, One Vote, making Twenty-five Votes for One hundred and fifty Shares; but no Person or Persons, Copartnership, Body Politic, Corporate, or Collegiate, or Community, being a Member or Members of the said Company, shall be entitled to a greater Number than Twenty-five Votes; and all Proprietors of Shares, resident within the Province or elsewhere, may vote by Proxy, if he, she, or they shall see fit, provided that such Proxy do produce from his Constituent or Constituents an Appointment in Writing, made and signed in the Presence of Two Witnesses, and in the Words and to the Effect following; (that is to say,)

“ I, _____ of _____ one of the Proprietors of “ The Upper and
“ Lower *Ottawa* Railroad,” do hereby nominate, constitute, and appoint
“ of _____ to be my Proxy, in my Name and in my Absence to vote or
“ give my Assent or Dissent to any Business, Matter, or Thing relating to the
“ said Undertaking that shall be mentioned or proposed at any Meeting of the
“ Proprietors of the said Undertaking, or any of them, in such Manner as he
“ the said _____ shall think proper, according to his Opinion and Judgment.”

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'ment, for the Benefit of the said Undertaking, or any thing appertain-
'ing thereto. In witness whereof I have hereunto set my Hand and Seal
'the Day of _____ in the Year _____ in the Presence
'of _____

Signature of Witnesses

(L. S.)

And such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person; and whatever Question, Election of proper Officers, or Matters or Things, shall be proposed, discussed, or considered in any public Meeting of Proprietors to be held by virtue of this Ordinance, shall be determined by the Majority of Votes and Proxies then present and so given as aforesaid; provided nevertheless, that no Person shall act as Proxy at any Meeting for any absent Proprietors for more than One hundred and fifty Shares; and at every such Meeting one of the Proprietors present shall be appointed Chairman or President, and shall not only vote as a Proprietor, but, in case of Equality of Votes, shall have the decisive or casting Vote.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That no Proprietor who shall not be a natural-born Subject of Her Majesty naturalized by Act of the British Parliament, or by Act of the Parliament of this Province, or by Act or Ordinance of the Legislative Authority thereof for the Time being, shall be elected President, Treasurer, or Clerk, or one of the Committee of the said Corporation.

And be it further ordained and enacted by the Authority aforesaid, That the First General Meeting of Proprietors for putting this Ordinance into execution shall be held at such Place as shall be hereafter named within One Month after Three hundred Shares in the said Undertaking shall have been subscribed for, provided that public Notice thereof be given during Two consecutive Weeks in the Montreal Gazette (if then published) and any other Newspaper of extensive Circulation, and the Second General Meeting shall be held at such Time and at such Place as the said Proprietors or Majority present at their said First Meeting shall appoint; and the said General Meeting shall be thereafter held twice in every Year; and at the said First General Meeting the Proprietors assembled, together with such Proxies as shall be present, shall choose Nine Persons, being each a Proprietor of Five or more Shares in the said Undertaking, (out of whom any Five or more of them shall be a Quorum,) to be a Committee for managing the Affairs of the said Company of Proprietors, in such Manner as is herein-after directed, and as shall from Time to Time be ordered by such General Meetings; but if at any Time it shall appear to any Eleven or more of such Proprietors, holding together One hundred and twenty Shares at least, that for more effectually putting this Ordinance into execution a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Eleven or more of them to cause Fifteen Days Notice at least to be given thereof in the Newspapers aforesaid, or in such other Manner as the Proprietors or their Successors shall at any General Meeting direct or appoint, specifying in such Notice the Time and Place and the Reason and Intention of such Special Meetings respectively, and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Ordinance given to them with respect to the Matters so specified only; and all such Acts of the Proprietors, or a Majority of them, at such Special Meetings so assembled, such Majority not having either as Principals or Proxies less than Two hundred Shares, shall be as valid to all Intents and Purposes as if the same were done at General Meetings.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for the said Company of Proprietors at such Special Meetings, in like Manner as at General Meetings, in case of the Death, Absence, Resignation, or Removal of any Person named of the Committee to manage the Affairs of the said Company of Proprietors in manner aforesaid, to choose and appoint another or others in the Room or Stead of those of such Committee who may die, or be absent, resign, or be removed as aforesaid, any thing in this Ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That if at any Time it shall happen that an Election of a Committee shall not take place on the Day when in pursuance of this Ordinance it ought to be made

and take place, the said Corporation shall not be taken to be dissolved, but it shall be lawful at any other Time to make such Election at a General Meeting of Stockholders to be called in the Manner herein-after prescribed, and until such new Election shall be had the Committee for the Year or Period then last past shall continue in Office, and shall hold all their Powers as if elected under the Authority of this Ordinance for the Period ending at the Time of such new Election.

And be it further ordained and enacted by the Authority aforesaid, That no One Member of the said Committee, though he may be a Proprietor of many Shares, shall have more than One Vote in the said Committee, except the Chairman or President, who shall be chosen by and out of the said Committee, and who in case of a Division of equal Numbers shall have the casting Vote, although he may have given One Vote before: Provided always, that such Committee shall from Time to Time be subject to the Examination and Control of the said General and other Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as they shall from Time to Time receive from the said Proprietors at such General or other Meetings, such Orders and Directions not being contrary to any express Directions or Provisions in this Ordinance contained.

Provided always, and be it further ordained and enacted, by the Authority aforesaid, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract or Contracts under the said Company, shall be capable of being chosen a Member of the Committee for managing the Affairs of the said Company.

And be it further ordained and enacted by the Authority aforesaid, That every such General Meeting shall have Power to call for, audit, and settle all Accounts of Money laid out and disbursed on account of the said Undertaking, with the Treasurer, Receiver and Receivers, and other Officer and Officers to be by them, or by their said Committee, or by any other Person or Persons whomsoever, employed by or concerned for or under them, in and about the said Undertaking, and to that Purpose shall have Power to adjourn themselves over from Time to Time and from Place to Place as shall be thought convenient by the Persons entitled to a Majority of Votes in manner aforesaid; and every General Meeting, or such Committee assembled by the Authority of this Ordinance, shall have Power from Time to Time to make such Call or Calls of Money from the Proprietors of the said Undertaking, to defray the Expense of or to carry on the same, as they from Time to Time shall find wanting and necessary for this Purpose; provided however, that no Call do exceed the Sum of Five Pounds Current Money of this Province for every Share of Fifty Pounds; and provided also, that no Calls be made but at the Distance of One Calendar Month from each other; and such Committee shall have full Power and Authority to manage and direct all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Lands, Rights, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Work and Workmen, and in placing and removing under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, provided that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of such Committee; and the Owner or Owners of One or more Share or Shares in the said Undertaking shall pay his, her, or their Shares and Proportion of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place, as the said General Meeting or Committee shall from Time to Time appoint and direct, of which Three Weeks Notice at least shall be given in the Montreal Gazette, (if then published), and any other public Newspaper in extensive Circulation, or in such other Manner as the said Proprietors or their Successors shall at any General Meeting direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionate Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Meeting or Committee, he, she, or they neglecting or refusing shall forfeit a Sum not exceeding Five Pounds for every One hundred Pounds of his, her, or their respective Share and Shares in the said Undertaking; and in case such Person and Persons shall neglect

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neglect to pay his, her, or their rateable Calls as aforesaid, for the Space of Two Calendar Months after the Time appointed for the Payment thereof as aforesaid, then he, she, or they shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profit and Benefit thereof; all which Forfeitures shall go to the rest of the said Company of Proprietors of the said Undertaking, their Successors and Assigns, in Trust for and for the Benefit of the said Proprietors, in proportion to their respective Interests.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That no Advantage shall be taken of the Forfeiture of any Share or Shares of the said Undertaking, unless the same shall be declared to be forfeited at some General Meeting of the said Company of Proprietors assembled at any Time after such Forfeiture shall be incurred; and every such Forfeiture shall be an Indemnification to and for every Proprietor so forfeiting against all Action and Actions, Suits or Prosecutions whatever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor and the other Proprietors, with regard to carrying on the said Railroad or Undertaking.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors and their Successors shall always have Power and Authority, at any General Meeting assembled as aforesaid, to remove any Person or Persons chosen upon such Committee as aforesaid, and to elect others to be of the Committee in the Room of those who shall die, resign, or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein-before prescribed with regard to their Proceedings amongst themselves, (the Method of calling General Meetings, and their Time and Place of assembling, and the Manner of voting and of appointing Committees, only excepted,) and shall have Power to make such new Rules, Bye Laws, and Orders, for the good Government of the said Company, and their Servants, Agents, and Workmen, for the good and orderly making, maintaining, and using the said Railroad and other Works connected therewith or belonging thereto, and for the well-governing of all Persons whomsoever travelling upon or using the said Railroad and other Works, or transporting any Goods, Wares, Merchandizes, or other Commodities thereon, and to impose and inflict such reasonable Fines and Forfeitures upon the Persons guilty of a Breach of such Rules, Bye Laws, or Orders, as to such General Meeting shall seem meet, not exceeding the Sum of Fifty Shillings Current Money of the Province for any One Offence, such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders, being put into Writing under the Common Seal of the said Company of Proprietors, shall be published at least Twice in the said Montreal Gazette, if then published, and any other Newspaper in extensive Circulation, and affixed in the Office of the said Company of Proprietors, and in all and every of the Places where the Tolls are to be gathered, and in like Manner as often as any Change or Alteration shall be made to the same; and the said Rules, Bye Laws, and Orders, so made and published as aforesaid, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the several Proprietors of the said Railroad or Undertaking to sell and dispose of his, her, or their Share or Shares therein, subject to the Rules and Conditions herein mentioned; and every Purchaser shall have a Duplicate Deed of Bargain and Sale and Conveyance made unto him or her or them, before Two Witnesses; and One Part of such Deed, duly executed by the Seller and Purchaser, shall be delivered to the said Committee or their Clerk for the Time being, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in the Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling and Three-pence shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered to the said Committee or their Clerk, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for the said Share or Shares, paid unto him, her, or them, nor any Vote as a Proprietor or Proprietors.

And

And be it further ordained and enacted by the Authority aforesaid, That the Sale of the said Shares shall be in the Form following, varying the Names and Descriptions of the contracting Parties as the Case may require :

' I A. B., in consideration of the Sum of _____ in hand paid to me
' by C. D. of _____ do hereby bargain, sell, and transfer to the said
' C. D. Share [or Shares] of the Stock of " The Upper and Lower
' Ottawa Railroad," to hold unto him the said C. D., his Heirs, Executors,
' Curators, Administrators, and Assigns, subject to the same Rules and Orders
' and on the same Conditions that I held the same immediately before the
' Execution hereof; and I the said C. D. do hereby agree to accept the said
' Share [or Shares] subject to the same Rules, Orders, and Conditions.
' Witness our Hands and Seals this _____ Day of _____ in the
' Year _____

' Signed and executed } (L.S.)
' in Presence of } (L.S.)

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And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized from Time to Time, to nominate and appoint or remove a Treasurer or Treasurers and a Clerk and Clerks to the said Company of Proprietors (taking such Security for the due Execution of his or their Office as the said Company of Proprietors shall think proper); and such Clerk or Clerks shall in a proper Book or Books enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Railroad or Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all the other Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the Committee for the Time being, by virtue of and under the Authority of this Ordinance.

And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted and ordained by the Authority aforesaid, That the said Company, or the Committee for managing the Affairs of the said Company, shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirtieth Day of November in each Year, of the Money collected and received by the said Company, or by the Committee or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of this Ordinance, and of the Charges and Expenses attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other Receipts and Expenditure of the said Company or the said Committee; and at the semi-annual Meetings of the Proprietors of the said Undertaking, to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such semi-annual Meetings shall declare otherwise; and such Dividends shall be at and after the Rate of so much per Share, upon the several Shares held by the Members thereof, of the Joint Stock of the said Company, as such Meeting shall think fit to appoint and determine: Provided always, that no Dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, and their Successors and Assigns, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for all Goods, Wares, Merchandize, and Commodities, of whatever Description, transported upon the said Railroad, Nine Shillings Currency of this Province per Ton Weight, and for every Passenger Three Shillings Currency; and the said Rates shall be paid respectively for the whole Distance between Carillon and Grenville aforesaid, and so in proportion for each Mile of the said Distance, and shall be paid to such Person or Persons, and at such Place or Places on or near to the said Railroad, and in such Manner and under such Regulations, as the said Company of Proprietors or their Successors shall direct and appoint; and in case of Denial or Neglect of Payment of any such Rates or Dues, or any Part thereof, on Demand, to the Person or Persons appointed to receive the

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same as aforesaid, the said Company of Proprietors may sue for and recover the same in any Court having competent Jurisdiction, or the Person or Persons to whom the said Rates or Dues ought to be paid may and he is and they are hereby empowered to seize and detain such Goods, Wares, Merchandizes, or other Commodities for and in respect whereof such Rates or Dues ought to be paid, and detain the same until Payment thereof, and in the meantime such Goods, Wares, Merchandizes, or other Commodities shall be at the Risk and Expense of the Owner or Owners thereof; and the said Company of Proprietors shall have full Power, from Time to Time, at any General Meeting, to lower or reduce all or any of the said Rates or Dues, and again to raise the same (not exceeding in any Case the Sums or Rates before mentioned) as often as it shall be deemed necessary for the Interests of the said Undertaking.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That in all Cases where there shall be a Fraction of a Mile in the Distance which Goods, Wares, Merchandizes, or other Commodities, or Passengers, shall be conveyed or transported on the said Railroad, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a whole Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of any such Goods, Wares, Merchandizes, or other Commodities, a Proportion of the same Rates shall be demanded and taken by the said Company of Proprietors to the Number of Quarters of a Ton contained therein, and in all Cases where there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a whole Quarter of a Ton.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors shall and they are hereby required, at any Time and at all Times, to provide suitable Carriages, subject to the Approval of Her Majesty's Deputy Postmaster General, for the Conveyance of Her Majesty's Mail, and the Person or Persons in charge thereof, along the said Railroad, when completed: and in use; nor shall any Carriage or Train of Carriages or Vehicles, whether for the Conveyance of Passengers or of Goods, proceed at any Time along such Railroad or Section thereof without such Carriage for the Conveyance of Her Majesty's Mail, except under the express written Licence and Instructions of Her Majesty's Deputy Postmaster General to the said Company, stating at what Time and on what Occasions he shall not require that the Mail be so conveyed; and to this end the said Company shall notify to the said Deputy Postmaster General the Day and Hours at which their Trains and Carriages will start from either End of such Railroad, and shall not change such Times of starting without giving at least Six Days Notice of such Change to the said Deputy Postmaster General; and the said Company shall not, for the Conveyance of the said Mail, and of the Person or Persons in charge thereof, and of the Carriage so to be provided for the Conveyance thereof as aforesaid, charge or demand a greater Rate than One Penny Currency per Mile for each Person in charge thereof, One Halfpenny Currency per Mile for each Conveyance of a Mail weighing One Hundred Weight or less, and One Farthing Currency per Mile for each Half Hundred Weight of any such Mail above the first Hundred Weight, making no Charge for any Fraction of a Hundred Weight less than Half a Hundred Weight when the whole Weight of the Mail shall exceed One Hundred Weight, or One hundred and twelve Pounds Avoirdupoise; and for each and every Refusal or Neglect by the said Company to comply with the Requirements of this Section the said Company shall forfeit and pay to Her Majesty, Her Heirs and Successors, to and for the public Uses of the Province, a Sum not exceeding Twenty-five Pounds Currency, to be recovered, with Costs, in any Court having Jurisdiction to that Amount: Provided always, that nothing in this Section contained shall be construed to prevent the said Deputy Postmaster General from making such Arrangement and Agreement with and granting such Permission or Authority to the said Company, with regard to the Conveyance of Her Majesty's Mail, as he shall deem expedient; and such Arrangement, Agreement, Permission, or Authority shall be good and valid, and shall be a sufficient Indemnification to the said Company for any thing done or omitted in pursuance thereof, any thing in this Section to the contrary notwithstanding.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors,

Proprietors, their Successors and Assigns, from Time to Time, at any General Meeting of the said Proprietors, to make any such Bye Law or Bye Laws for ascertaining or fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel, not exceeding One hundred and twenty Pounds Weight, upon the said Railroad or any Part thereof, as to them shall seem fit and reasonable; and the said Company of Proprietors, and their Successors and Assigns, shall from Time to Time print and stick up, or cause to be printed and stuck up in their Office, and in all and every of the Places where the Tolls, Rates, and Dues are to be collected, in some conspicuous Place there, a printed Paper, ascertaining and particularizing the Price or Sum or Sums of Money to be charged or taken for the Carriage of such Parcels, not exceeding One hundred and twenty Pounds Weight as aforesaid, upon the said Railroad, or upon any Part thereof.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors shall, within Six Calendar Months after any Lands shall be taken for the Use of the said Railroad or Undertaking, divide and separate, and keep constantly divided and separated, the Land so taken from the Lands or Grounds adjoining thereto, with a sufficient Post and Rail Fence, Hedge, Ditch, Trench, Bank, or other Fence sufficient to keep off Hogs, Sheep, and Cattle, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid, and shall at their own Costs and Charges from Time to Time maintain and support and keep in sufficient Repair the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That whenever any Farm or other Lands belonging to the same Person or Persons shall be divided and separated into Two Parts by the said Railroad, the said Company of Proprietors shall erect and place a Gate or other moveable Barrier on each Side of the said Railroad, in such Manner as to allow to the said Person or Persons a convenient Passage and Communication to, with, and between the Parts of the said Farm or other Lands so divided and separated as aforesaid; provided always, that it shall not be lawful for such Person or Persons to cross or in any Manner pass over the said Railroad, save and except at the Place where such Gates or Barriers shall be so erected as aforesaid; and provided also, that it shall be lawful for the said Company of Proprietors to make such Rules and Bye Laws for the opening and closing, Regulation, keeping and using of the said Gates or Barriers, as may be necessary or expedient for securing to the said Company the safe and unmolested Use of the said Railroad, and to impose for each Offence against such Rules and Bye Laws, or any of them, a Penalty not exceeding Five Shillings Currency, to be recovered in like Manner as other Penalties under this Ordinance may be recovered.

And be it further ordained and enacted by the Authority aforesaid, That as soon as conveniently may be after the said Railroad or Undertaking shall be completed, the said Company of Proprietors shall cause the same to be measured, and Stones, with proper Inscriptions on the Side or Sides thereof, denoting the Distances, to be erected and for ever after maintained at the Distance of every Mile from each other.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, shall and are hereby required and directed to take a sufficient Security, by One or more Bond or Bonds, in a sufficient Penalty or Penalties, from their Treasurer, Receiver, and Collector for the Time being of the Monies to be raised by virtue of this Ordinance, and for the faithful Execution by such Treasurer, Receiver, and Collector of his and their Office and Offices respectively.

And whereas several Persons have subscribed or may hereafter subscribe to advance Money towards carrying the Purposes of this Ordinance into execution; be it therefore further ordained and enacted by the Authority aforesaid, That the several Person and Persons who have subscribed or may hereafter subscribe to advance any Money for and towards making and maintaining the said Railroad and other Works connected therewith shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed for, or such Parts or Portions thereof as shall be called for from Time to Time by the said Company of Proprietors, under and by virtue of the Powers and

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Directions of this Ordinance, to such Person or Persons, and at such Times and Places, as shall be directed by the said Company of Proprietors or the said Committee in manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law having competent Jurisdiction.

And be it further ordained and enacted by the Authority aforesaid, That all Fines and Forfeitures imposed by this Ordinance, or which shall be imposed by virtue of any Rule, Order, or Bye Law to be made in pursuance thereof, (of which Rule, Order, or Bye Law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which Fines and Forfeitures are not herein-after particularly provided for, shall, upon Proof of the Offence before any One or more Justice or Justices of the Peace for the District of Montreal, either by the Confession of the Party or Parties, or by the Oath or Affirmation of any One credible Witness (which Oath or Affirmation such Justice or Justices are hereby empowered and required to administer without Fee or Reward), be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and all such respective Fines, Forfeitures, and Penalties by this Ordinance imposed and inflicted, or authorized to be imposed or inflicted, the Application whereof is not herein-before particularly directed, shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Ordinance, and shall be applied and disposed of for the Use of the said Railroad or Undertaking; and the Overplus of the Money to be raised by such Distress and Sale, after deducting the Penalty, and the Expenses of the levying and Recovery thereof, shall be paid over to the Owner of the Goods so distrained and sold; and for Want of sufficient Goods and Chattels whereof to levy the said Penalty and Expenses, the Offender shall be committed to the Common Gaol for the District of Montreal, there to remain, without Bail or Mainprize, for such Term not exceeding One Month as such Justice or Justices shall think proper, unless such Penalty or Forfeiture, and all Costs and Expenses attending the same, shall be sooner paid and satisfied.

And be it further ordained and enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Ordinance, every such Person or Persons may, within Four Calendar Months after the doing thereof, appeal to the Justices of the Peace of the General Quarter Sessions to be holden in and for the District of Montreal.

And be it further ordained and enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done or to be done in pursuance of this Ordinance, or in the Execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage then within Six Calendar Months next after the doing or committing such Damage shall cease, and not afterwards; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Ordinance and the special Matter in Evidence at any Trial to be held thereupon, and that the same was done in pursuance and by the Authority of this Ordinance; and if it shall appear to have been so done, or if any Action or Suit shall be brought after the Time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be nonsuit, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

And be it further ordained and enacted by the Authority aforesaid, That at any Time before or after the making and completing the said Railroad or Undertaking it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the Possession and Property of the same, and of all and every the Works and Dependencies thereunto belonging or in anywise appertaining, upon paying to the said Company of Proprietors, their Successors and

Assigns,

Assigns, the full Amount of their respective Shares, or of the Sums furnished and advanced by such Subscribers towards making and completing the said Railroad and Works connected therewith, together with such further Sum as will amount to Twenty-five per Centum upon the Monies so advanced and paid, as full Indemnification to such Company of Proprietors, by annual Payments of at least Twenty per Cent., allowing moreover to the said Company Six per Cent. Interest upon the unredeemed Part of the Capital, but not allowing them any Interest upon the Advance of Twenty-five per Cent. which is allowed them as aforesaid; and the said Railroad or Undertaking, and all and every the Works and Dependencies thereunto belonging, shall, from the Time of such Assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the Place and Stead of the said Company of Proprietors, their Successors and Assigns, for all and every the Purposes of this Ordinance, in so far as regards the said Railroad or Undertaking.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors shall, between the First Day of January and the Thirty-first Day of December in each and every Year, and at such Time within the said Periods as the Governor, Lieutenant Governor, or Person administering the Government of this Province shall appoint, lay before him, or such Officer as he shall direct to receive the same, a detailed and particular Account, attested upon Oath, and made in such Form as he shall direct, of all Monies by the said Company received or expended under the Authority of this Ordinance, with a Statement of the Amount of Tonnage and of Passengers conveyed along the said Railroad during the Period for which the Account shall be rendered.

And be it further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for the said Company of Proprietors, in constructing and making the said Railroad, to take and appropriate for the Use of the same so much of the Land covered with the Waters of the River Ottawa, or of its Bed, as may be found necessary for the making and completing or more conveniently using the same, and thereupon to erect such Wharves, Quays, Inclined Planes, Cranes, and other Works as to the said Company shall seem meet: Provided always, that the said Company of Proprietors shall not, under any Provision of this Section, or of any Part of this Ordinance, in any way obstruct or impede the free Navigation of the said River Ottawa or any Part thereof, or the Navigation or Use of the Canal commonly called the Grenville Canal, or of the Inlets or Outlets to the same, or the Use, Efficiency, or working of any public Work therewith connected, or of any public Work of any Kind whatever, nor shall the Powers vested by this Ordinance in the said Company extend to the taking or using of any Lands, Grounds, Beach, or Real Property whatever, the Property whereof is now vested in Her Majesty, without the Consent of the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, signified to the said Company under the Hand of the Civil Secretary of the Province.

And be it further ordained and enacted by the Authority aforesaid, That the said Company of Proprietors, to entitle themselves to the Benefit and Advantages to them granted by this Ordinance, shall and they are hereby required to make and complete the said Railroad from Carillon to Grenville in manner aforesaid within Three Years from the passing of this Ordinance; and that the Book and Plan hereby required to be prepared shall be prepared and deposited of Record within Twelve Months next after the passing of this Ordinance; and if the same shall not be so completed and deposited respectively within the said Period, so as to be used by the Public as aforesaid, then this Ordinance, and every Matter and Thing therein contained, shall cease and be utterly null and void.

And be it further ordained and enacted by the Authority aforesaid, That nothing herein contained shall affect or be construed to affect, in any Manner or Way whatsoever, the Rights of Her Majesty, Her Heirs and Successors, or of any Person or Persons, or of any Bodies Politic, Corporate, or Collegiate, such only excepted as are herein mentioned.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be deemed and taken to be a Public Act or Ordinance, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and others, without being specially pleaded.

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No. 157.

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Grenville.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-sixth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-sixth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 158.

Establishing a
Police in Quebec,
Montreal, and
Three Rivers.

(Copy.)

No. 158.

An Ordinance to repeal certain Parts of an Ordinance therein mentioned, and to amend certain other Parts of the said Ordinance, and to amend certain Parts of another Ordinance therein mentioned, and make further Provision for establishing and maintaining an efficient System of Police in the Cities of Quebec and Montreal and the Town and Borough of Three Rivers. [Passed 26th June 1840.]

WHEREAS it is expedient to repeal certain Parts of an Ordinance made and passed in the Second Year of Her Majesty's Reign, intituled "An Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal," and to amend certain other Parts of the said Ordinance, and also to amend a certain other Ordinance made and passed in the said Second Year of Her Majesty's Reign, intituled "An Ordinance to extend the Provisions of an Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal," and to make further Provision for establishing and maintaining an efficient System of Police in the Cities of Quebec and Montreal, and the Town and Borough of Three Rivers; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That so much of the said Ordinance, intituled "An Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal," as vests any Power or Authority in the Civil Secretary of the Governor of this Province, and so much of the said last-mentioned Ordinance as provides for the Appointment of fit and proper Persons to be Inspectors and

Superintendents

Superintendents of the Police for the said Cities, or for either of them, shall be and the same are hereby repealed.

And be it further ordained and enacted by the Authority aforesaid, That from and after the passing of this Ordinance it shall be lawful for the Governor of this Province to nominate and appoint a fit and proper Person to be Commissioner of Police for the Province of Lower Canada, to have, hold, exercise, and discharge all the Powers, Authority, and Duties in and by the said Ordinance, intituled "An Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal," vested in the said Civil Secretary and in the Inspectors and Superintendents of Police for the said Cities respectively, and to receive and discharge the Duties of Commissioner of Police under the said last-mentioned Ordinance, and to have, hold, exercise, and discharge all the Powers, Authority, and Duties in and by the said Ordinance, intituled "An Ordinance to extend the Provisions of the Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal," extended to and vested in the Inspector and Superintendent of Police, to be appointed for the Town and Borough of Three Rivers, together with such neighbouring District of the same, as the Governor shall at any Time direct, and to execute the Duties of Civil Secretary with reference to the same: Provided always, that the said Commissioner of Police shall not execute the Office of Justice of the Peace in either of the said Cities of Quebec and Montreal, or in the said Town or Borough of Three Rivers, or swear in the Men composing the Police Force in the said Cities, or either of them, or in the said Town and Borough aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for such Commissioner of Police to be appointed as aforesaid to receive in the Manner herein-after provided the Sums of Money to be raised, assessed, and appropriated for the Maintenance of a good and efficient System of Police in the City of Quebec, under and by virtue of an Ordinance made and passed in the present Session of the Special Council of this Province, intituled "An Ordinance to incorporate the City and Town of Quebec," and to receive the Sums of Money to be raised, assessed, and appropriated for the Maintenance of a good and efficient System of Police in the City of Montreal, under and by virtue of an Ordinance made and passed in the present Session of the Special Council of this Province, intituled "An Ordinance to incorporate the City and Town of Montreal."

And be it further ordained and enacted by the Authority aforesaid, That so soon as this Ordinance shall come into effect it shall be lawful for the said Commissioner of Police forthwith, and so from Time to Time, subject to the Approbation of the Governor, to furnish to the respective City Clerks of the said Cities of Quebec and Montreal a Statement or Statements of the Monies required for the Maintenance of a good and efficient System of Police in the said Cities respectively, to be by the said respective City Clerks laid before the Councils of the said Cities of Quebec and Montreal respectively; and the said Commissioner of Police may by his Warrant or Warrants require the respective Councils of the said Cities of Quebec and Montreal, out of the Funds of the said Cities respectively, to pay the Amounts mentioned in the Statement or Statements so to be furnished as aforesaid, and the said Councils of the said Cities respectively shall thereupon cause the said Sum and Sums of Money in the said Warrant or Warrants mentioned to be paid to the said Commissioner of Police, through the Hands of the City Treasurer of each of the said Cities respectively, within Forty Days from the Delivery of such Warrant or Warrants to the City Clerk of each of the said Cities respectively; provided always, that the Sum and Sums of Money to be required and received from the said Council of the City of Quebec for the Purposes and in the Manner aforesaid shall not for any One Year exceed the Sum of Four thousand Pounds Currency, to be paid quarterly, and the Application and Expenditure thereof shall be accounted for by the said Commissioner of Police to the said Council of the City of Quebec on or before the Second Day of November of each and every Year; and that the Sum and Sums of Money so to be required and received from the said Council of the City of Montreal for the Purposes and in the Manner aforesaid shall not for any One Year exceed the Sum of Five thousand Pounds Currency, to be paid quarterly, and the Application and Expenditure thereof shall be accounted

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accounted for by the said Commissioner of Police to the said Council of the City of Montreal on or before the Second Day of November of each and every Year.

And be it further ordained and enacted by the Authority aforesaid, That the Treasurer of the City of Quebec and the Treasurer of the City of Montreal respectively, at the Time and Times of making Payment to the said Commissioner of Police of any Sum or Sums of Money required and authorized to be paid to him by this Ordinance for the Purposes and in the Manner aforesaid, shall deliver to the said Commissioner of Police a Note in Writing, signed by the Treasurer by whom such Sum or Sums of Money shall be so paid, specifying the Sum or Sums so paid, which Note shall be kept by the said Commissioner of Police as a Voucher for his Receipt of such particular Sum or Sums; and the Receipt of the said Commissioner of Police, specifying the Sum or Sums paid to him by either of the said Treasurers, shall be a sufficient Discharge and Voucher to such Treasurer, and shall be allowed as such in passing his Accounts.

And be it further ordained and enacted by the Authority aforesaid, That the said Commissioner of Police for the Time being shall give Security to Her Majesty, in a Bond with Two Sureties, in such Sum as the Governor shall direct, such Bond to be conditioned for the faithful Performance of his Duty by such Commissioner of Police, and for the due Application of all Monies paid to him under the Ordinances herein-before mentioned; and the said Commissioner of Police for the Time being shall receive all Sums of Money applicable to the Purposes of the said Ordinances, and shall keep an exact and particular Account thereof, and shall immediately pay all Monies, Bills, and Notes by him received under this Ordinance into such Bank of the said Province as the Governor may appoint, and the same shall be placed to an Account in the Books of the said Bank which shall be entitled "The Account of the public Monies of the Commissioner of Police of Lower Canada," inserting the Name of the Commissioner of Police for the Time being; and the said Commissioner of Police shall draw out of such Bank from Time to Time such Sums of Money as may be necessary for the Payment of the Salaries, Wages, and Allowances to be paid to the Persons belonging to the Police Force of the said Cities of Quebec and Montreal respectively, as also for the Payment of all other Charges and Expenses for maintaining a good and efficient System of Police in the said Cities respectively; and all Drafts and Orders drawn and signed by the said Commissioner of Police shall be a sufficient Authority to the said Bank to pay the Amount thereof to the Persons named in them, or to the Bearer of them.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the Governor of the said Province to appoint, by Commissions under the Great Seal of this Province, fit and proper Persons to be Police Magistrates to execute the Duties of Justices of the Peace at the Police Offices and elsewhere in each of the said Cities, and fit and proper Persons as Police Magistrates to execute the Duties of Justices of the Peace in the several Districts or other Territorial Divisions of the said Province; which said Police Magistrates, before entering upon or commencing the Exercise of their Office, shall, in the usual and accustomed Manner, take the Oath by Law required to be taken by Justices of the Peace, and shall swear in the Men appointed as a Police Force for the said Cities and for the said Districts or other Territorial Divisions of the said Province respectively, as Constables, for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall have, within the said Districts or other Territorial Divisions of this Province, all such Powers and Authorities, Privileges and Advantages, and shall be liable to all such Duties and Responsibilities, as any Constable duly appointed has now or hereafter may have under and by virtue of the Laws of this Province, or of any Statute or Ordinance made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from the said Commissioner of Police for conducting themselves in the Execution of their Office.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for any One of the said Police Magistrates so to be appointed

as aforesaid, to do alone any Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary, hereafter to be made, is or shall be directed to be done by more than One Justice of the Peace.

And be it further ordained and enacted by the Authority aforesaid, That where by any Law or Ordinance now in force, or by any Law or Ordinance not containing an express Enactment to the contrary, hereafter to be made, any Act is directed or authorized to be done by a Justice or Justices of the Peace residing in any Parish, Township, or County where any Offence or Matter cognizable before him or them shall be committed or shall arise, the same Jurisdiction may be exercised by any One of the said Police Magistrates so appointed as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That the said Ordinance intituled "An Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal," as hereby amended, and the said Ordinance intituled "An Ordinance to extend the Provisions of the Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal," as hereby amended, shall not, nor shall either of them, expire on the First Day of November in the Year One thousand eight hundred and forty-two, but shall be and they are hereby made permanent, and so shall continue in full Force and Effect until repealed or altered by competent Authority.

And be it further ordained and enacted by the Authority aforesaid, That the Word "Governor" shall be taken and held to mean and comprehend as well the Governor as the Lieutenant Governor and Person administering the Government of this Province for the Time being.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance, save and except so much thereof as is contained in the Third, Fourth, Fifth, and Sixth Clauses thereof, shall be and remain a permanent Law in full Force and Effect until it shall be repealed or altered by competent Authority: Provided always, that so much of the said Ordinance as is contained in the said Third, Fourth, Fifth, and Sixth Clauses thereof shall be and continue in full Force and Effect until the First Day of October in the Year One thousand eight hundred and forty-three, and no longer.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-sixth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-sixth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 155.

Establishing a
Police in Quebec,
Montreal, and
Three Rivers.

No. 159.

Incorporating the
Advocates Library
of Montreal.

(Copy.)

No. 159.

An Ordinance to incorporate the Advocates Library of Montreal.

[Passed 26th June 1840.]

WHEREAS an Association hath been formed in the City of Montreal in this Province, by divers Members of the Profession of the Law resident in that City and the Neighbourhood thereof, under the Name of "The Advocates Library and Law Institute of Montreal," and for the Purpose of purchasing and procuring a good and sufficient Library for the Use of the said Association and of such Barristers and Advocates as may hereafter become Members thereof: And whereas the Members of the said Association have by their Petition represented that they have purchased and acquired and now hold a large and valuable Collection of Books and other Property requisite and necessary for the Purposes for which they are so associated as aforesaid, and have further represented that the Advantages to arise from the said Association would be greatly increased and confirmed by the Incorporation of the Members thereof, and have prayed so to be incorporated: And whereas it is expedient to grant the Prayer of the said Petitioners, subject to the Provisions and Enactments herein-after set forth and made; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the same, That George Pyke, Samuel Gale, Charles Richard Ogden, John Boston, Alexander Buchanan, Dominique Mondelet, John Samuel M'Cord, Samuel Wentworth Monk, Frederick Griffin, James G. Scott, Robert Lester Morrogh, William Badgely, Campbell Sweeney, John Bleakley, Duncan Fisher, Come S. Cherrier, Hugh Taylor, Aaron P. Hart, Henry Ogden Andrews, John Platt, James Scott, Charles D. Day, William C. Meredith, Louis Thomas Drummond, Robert Easton, Samuel C. Monk, Robert M'Kay, Edward Barnard, Charles Sabrevois De Bleuery, and Francis Godshall Johnson, and their Successors for ever, to be elected in the Manner herein-after provided, shall be One Body Politic and Corporate, in Deed and in Name, by the Name and Style of "The Advocates Library of Montreal," and shall by that Name have perpetual Succession and a Common Seal, and shall have Power from Time to Time to alter, renew, or change such Common Seal at their Pleasure, and shall by the same Name from Time to Time and at all Times hereafter be able and capable to have, take, receive, purchase, acquire, hold, possess, and enjoy to them and their Successors, to be elected in the Manner herein-after provided, to and for the Uses and Purposes of the said Corporation, any Messuages, Lands, Tenements, and Hereditaments, of what Nature, Kind, or Quality soever, situate, lying, and being within this Province, not exceeding in yearly Value the Sum of Five hundred Pounds Currency, and also to take, receive, purchase, acquire, have, hold, and possess, provided the same do not exceed a like Sum in yearly Value, to and for the same Uses and Purposes, any Goods, Chattels, Gifts, or Benefactions whatsoever, and shall and may by the same Name be able and capable to sue in Law and to be sued, implead and be impleaded, answer and be answered, in all Courts of Law and Places whatsoever, in all and singular Actions, Causes, Pleas, Suits, Matters, and Demands whatsoever, in as large, ample, and beneficial Manner and Form as any other Body Politic or Corporate, or any Persons able and capable in Law, may or can sue, implead, or answer, or be sued, impleaded, or answered, in any Manner whatsoever.

And for the better accomplishment of the Purposes herein-before mentioned, be it further ordained and enacted by the Authority aforesaid, That the Members

Members of the said Corporation, and their Successors for ever, to be elected in the Manner herein-after provided, shall, on the Third Monday of June in the Year of our Lord One thousand eight hundred and forty-one, and in each and every Year thereafter, meet at some convenient Place to be appointed by the said Corporation (or the major Part of them who shall be present at any General Meeting), between the Hours of Ten in the Forenoon and Five in the Afternoon, and that they, or the major Part of such of them as shall be then present, shall choose One President, One Vice President, One Treasurer, One or more Secretary or Secretaries, and such other Officers and Servants as they or such major Part of them shall deem expedient to serve in the said Offices during the Year then next ensuing; and may do and transact all Matters and Business relative to the Interests of the said Corporation; and if by reason of any Matter or Thing the Election so to be had and made on the Third Monday in June as aforesaid shall be prevented, or shall not be had or made, then and in every such Case it shall be competent to the Members of the said Corporation and their Successors, or to the major Part of such of them as may be present at a Meeting to be called by the President or Vice President for the Time being in the Manner herein-after prescribed, and held as soon afterwards as shall be convenient, to proceed to and make the Election of a President, Vice President, Treasurer, Secretary or Secretaries, Officers, and Servants as aforesaid; and the Elections so made shall be as valid and effectual as if they had been made on such Third Monday in June; and the President and other Officers of the said Corporation theretofore elected shall continue in Office until others shall be elected in their Stead, any thing herein-before contained to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That, until the first Election of Officers shall take place, the present Officers of the said Association shall be and continue to be the Officers of the Corporation hereby elected; and that the President, or in his Absence from the City of Montreal the Vice President, of the said Corporation, shall within Three Months after the passing of this Ordinance cause Notice to be given to such of the several Members of the said Corporation herein-before mentioned as shall be then resident in the said City of Montreal to meet at such Place and Time as he shall in and by such Notice appoint; and the said Members, or the major Part of such of them as shall be then present, shall, at the Time and Place so appointed, proceed to the Election of a President, and of a Vice President, Treasurer, Secretary or Secretaries, and of such other Officers and Servants as to them shall seem meet, which said Officers from the Time of their Election to their respective Offices shall continue therein until the Third Monday in June in the Year of our Lord One thousand eight hundred and forty-one, and from thenceforth until others be chosen in their Places in the manner aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That if at any Time or Times it shall happen that any of the Persons chosen to fill the said Offices respectively shall die, or be removed from the said Offices, or resign the same, during the Period for which they shall have been respectively elected, then in every such Case it shall be lawful for the President, or in his Absence from the City of Montreal the Vice President, to issue Notice to the several Members of the said Corporation to meet at the Place where the Meetings of the Corporation are usually held at such Time as shall be specified in the Notice; and the Members of the said Corporation who shall meet in pursuance of such Notice, or the major Part of them, shall and may choose an Officer or Officers in the Room and Place of the Person or Persons who shall have died, or resigned, or shall have been removed from Office as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That the Members of the said Corporation shall and may, on the Third Monday in the Month of October in each and every Year, and at any other Time at and for which a General Meeting shall be called in the Manner aforesaid by the President or Vice President, on the Requisition in Writing of any Five Members of the Corporation, meet at the Place at which the Meetings of the Corporation shall be usually held, and shall and may at any such Meeting elect such Persons, being Advocates and Barristers duly admitted to practise as such in this Province, or Judges or Justices, or Prothonotaries of some Court or Courts, or Sheriffs of some District or Districts therein, to be Members of the said

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said Corporation, as they, or the major Part of them then present, shall think expedient, and may do and transact all Matters and Business relative to the Interests of the said Corporation not herein otherwise provided for; provided that no Meeting of the said Corporation under the Provisions of this Section shall be held to be a General Meeting thereof unless One Half at least of the Members of the Corporation for the Time being shall be present thereat.

And be it further ordained and enacted by the Authority aforesaid, That the Members of the said Corporation, or the major Part of them who shall be present at any General Meeting of the said Corporation held according to the Requirements and Provisions of the Second or of the Fifth Section of this Ordinance, shall have Power and Authority to frame and make Statutes, Bye Laws, Rules, and Orders touching and concerning the good Government of the said Corporation and the Income and Property thereof, and any other Matter or Thing relative to the same, which to them may seem fit or expedient for the effectual Attainment of the Objects of the said Corporation and the Administration of its Concerns, and also from Time to Time, by such new Statutes, Bye Laws, Rules, and Orders as to them shall seem meet, to alter or repeal those so made as aforesaid: Provided always, that no such Repeal or Alteration shall be valid unless Notice of the Motion for such Repeal or Alteration shall have been given at the General Meeting next immediately preceding that at which such Motion shall be made and considered; provided also, that no such Statutes, Bye Laws, Rules, or Orders shall be repugnant to the Laws of the Province or to this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That it shall not be a valid Cause for the Recusation of any Judge or Justice in any Prosecution, Cause, Suit, or Action, Civil or Criminal, to or in which the said Corporation shall be a Party, that such Judge or Justice is a Member of the said Corporation.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be held and considered to be a Public Act or Ordinance, and as such shall be judicially taken notice of, held, and considered in all Courts of Justice, and by all Judges, Justices of the Peace, and by all others whom it may concern, without being specially pleaded.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-sixth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-sixth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk of Special Council.

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No. 160.

No. 160.

Incorporating the
Quebec Advocates
Library.*An Ordinance to incorporate the Quebec Advocates Library.*

[Passed 26th June 1840.]

WHEREAS an Association hath been formed in the City of Quebec in this Province, by divers Members of the Profession of the Law resident in that City and the Neighbourhood thereof, under the Name of "The Quebec Advocates Library," and for the Purpose of purchasing and procuring a good and sufficient Library for the Use of the said Association, and of such Barristers and Advocates as may hereafter become Members thereof: And whereas the Members of the said Association have by their Petition represented that they have purchased and acquired, and now hold, a large and valuable Collection of Books, with other Property requisite and necessary for the Purposes for which they are so associated as aforesaid, and have further represented that the Advantages to arise from the said Association would be greatly increased and confirmed by the Incorporation of the Members thereof, and have prayed so to be incorporated: And whereas it is expedient to grant the Prayer of the said Petitioners, subject to the Provisions and Enactments herein-after set forth and made; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada;" and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the same, That James Stuart, George Vanfelson, George Barthelemy Faribault, Charles Richard Ogden, Philippe Panet, Edouard Bacquet, Henry Black, Edward Burroughs, Louis Fiset, Jean François Duval, Thomas William Willan, Edouard Desbarats, Elzéar Bedard, Charles Déguise, Hector Simon Huot, René Edouard Caron, Daniel McCallum, Thomas Cushing Aylwin, Joseph André Taschereau, Robert Hunter Gairdner, George O'Kill Stuart, Gustavus William Wicksteed, David Roy, Thomas Amiot, Edouard Montizambert, J. N. Bossé, Andrew Stuart, Charles Duchesnay, Dunbar Ross, Felix Fortier, and William M'Tavish, and their Successors for ever, to be elected in the Manner herein-after directed, shall be one Body Politic and Corporate, in Deed and in Name, by the Name and Style of "The Quebec Advocates Library," and shall have that Name have perpetual Succession and a Common Seal, and shall have Power from Time to Time to alter, renew, or change such Common Seal at their Pleasure, and shall by the same Name from Time to Time and at all Times hereafter be able and capable to have, take, receive, purchase, acquire, hold, possess, and enjoy to them and their Successors, to and for the Uses and Purposes of the said Corporation, any Messuages, Lands, Tenements, and Hereditaments, of what Nature, Kind, or Quality soever, situate, lying, and being within this Province, not exceeding in yearly Value the Sum of Five hundred Pounds Currency; and also to take, receive, purchase, acquire, have, hold, and possess, provided the same do not exceed a like Sum in yearly Value, to and for the same Uses and Purposes, any Goods, Chattels, Gifts, or Benefactions whatsoever, and shall and may by the same be able and capable to sue in Law, and to be sued, implead and be impleaded, answer and be answered, in all Courts of Law and Places whatsoever, in all and singular Actions, Causes, Pleas, Suits, Matters, and Demands whatsoever, in as large, ample, and beneficial Manner and Form as any other Body Politic or Corporate, or any Persons able and capable in Law, may or can sue, implead, or answer, or be sued, impleaded, or answered in any Matter whatsoever.

And for the better Accomplishment of the Purposes herein-before mentioned, be it further ordained and enacted by the Authority aforesaid, That the Members of the said Corporation, and their Successors for ever, shall, on the

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Quebec Advocates
Library.

Third Monday in June in the Year of our Lord One thousand eight hundred and forty-one, and in each and every Year thereafter, meet at some convenient Place to be appointed by the said Corporation (or the major Part of them who shall be present at any General Meeting) between the Hours of Ten in the Forenoon and Five in the Afternoon; and that they, or the major Part of such of them as shall be then present, shall choose One President, One Vice President, One Treasurer, One or more Secretary or Secretaries, and such other Officers and Servants as they or such major Part of them shall deem expedient, to serve in the said Offices during the Year then next ensuing, and may do and transact all Matters and Business relative to the Interests of the said Corporation; and if by reason of any Matter or Thing the Election so to be had and made on the Third Monday in June as aforesaid shall be prevented, or shall not be had or made, then and in every such Case it shall be competent to the Members of the said Corporation, and their Successors, or to the major Part of such of them as may be present at a Meeting to be called by the President or Vice President for the Time being in the Manner herein-after prescribed, and held as soon afterwards as shall be convenient, to proceed to and make the Election of a President, Vice President, Treasurer, Secretary or Secretaries, Officers and Servants as aforesaid; and the Elections so made shall be as valid and effectual as if they had been made on such Third Monday in June; and the President and other Officers of the said Corporation theretofore elected shall continue in Office until others shall be elected in their Stead, any thing herein-before contained to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That the Honourable James Stuart, Her Majesty's Chief Justice of this Province, shall be the first President of the said Corporation, and that Henry Black, Her Majesty's Judge of the Court of Vice Admiralty for this Province, shall be the first Vice President thereof; and that the said President, or in his Absence from the City of Quebec the said Vice President, shall, within Three Months after the passing of this Ordinance, cause Notice to be given to such of the several Members of the said Corporation herein-before mentioned as shall be then resident in the said City of Quebec to meet at such Place and Time as he shall in and by such Notice appoint; and the said Members, or the major Part of such of them as shall be then present, shall, at the Time and Place so appointed, proceed to the Election of a President and of a Vice President, Treasurer, Secretary or Secretaries, and of such other Officers and Servants as to them shall seem meet; which said Officers, from the Time of their Election to their respective Offices, shall continue therein until the Third Monday in June in the Year of our Lord One thousand eight hundred and forty-one, and from thenceforth until others be chosen in their Places in the Manner aforesaid: Provided always, that the said President and Vice President hereby appointed, and all other Persons being Officers of the said Institution at the Time of the passing of this Ordinance, shall continue to hold their respective Offices until such First Meeting and Election shall be had as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That if at any Time or Times it shall happen that any of the Persons chosen to fill the said Offices respectively shall die, or be removed from the said Offices, or resign the same during the Period for which they shall have been respectively elected, then in every such Case it shall be lawful for the President, or in his Absence from the City of Quebec for the Vice President, to issue Notice to the several Members of the said Corporation to meet at the Place where the Meetings of the Corporation are usually held, at such Time as shall be specified in the Notice; and the Members of the said Corporation who shall meet in pursuance of such Notice, or the major Part of them, shall and may choose an Officer or Officers in the Room and Place of the Person or Persons who shall have died or resigned, or shall have been removed from Office as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That the Members of the said Corporation shall and may, on the Third Monday in the Month of October in each and every Year, and at any other Time at and for which a General Meeting shall be called in the Manner aforesaid by the President or Vice President, on the Requisition in Writing of any Five Members of the Corporation, meet at the Place at which the Meetings of the Corporation shall be usually held, and shall and may at any such Meeting elect such Persons, being Advocates and Barristers duly admitted to practise as such in this

Province,

Province, or Judges or Justices, or Prothonotaries of some Court or Courts, or Sheriffs of some District or Districts therein, to be Members of the said Corporation, as they or the major Part of them then present shall think expedient, and may do and transact all Matters and Business relative to the Interests of the said Corporation not herein otherwise provided for; provided that no Meeting of the said Corporation under the Provisions of this Section shall be held to be a General Meeting thereof unless One Half at least of the Members of the Corporation for the Time being shall be present thereat.

And be it further ordained and enacted by the Authority aforesaid, That the Members of the said Corporation, or the major Part of them who shall be present at any General Meeting of the said Corporation held according to the Requirements and Provisions of the Second or of the Fifth Section of this Ordinance, shall have Power and Authority to frame and make Statutes, Bye Laws, Rules, and Orders touching and concerning the good Government of the said Corporation, and the Income and Property thereof, and any other Matter or Thing relative to the same, which to them may seem fit or expedient for the effectual Attainment of the Objects of the said Corporation and the Administration of its Concerns, and also from Time to Time, by such new Statutes, Bye Laws, Rules, and Orders as to them shall seem meet, to alter or repeal those so made as aforesaid: Provided always, that no such Repeal or Alteration shall be valid unless Notice of the Motion for such Repeal or Alteration shall have been given at the General Meeting next immediately preceding that at which such Motion shall be made and considered: Provided also, that no such Statutes, Bye Laws, Rules, or Orders shall be repugnant to the Laws of the Province or to this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That it shall not be a valid Cause for the Recusation of any Judge or Justice in any Prosecution, Cause, Suit, or Action, Civil or Criminal, to or in which the said Corporation shall be a Party, that such Judge or Justice is a Member of the said Corporation.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be held and considered to be a Public Act or Ordinance, and as such shall be judicially taken notice of, held, and considered by all Courts, Judges, and Justices of the Peace, and by all others whom it may concern, without being specially pleaded.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-sixth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-sixth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

No. 161.

Incorporating the
Quebec Library.

(Copy.)

No. 161.

An Ordinance to incorporate the Quebec Library.

[Passed 26th June 1840.]

WHEREAS it hath been represented to his Excellency the Governor General of this Province, by the Reverend Daniel Wilkie, Doctor of Laws, William Walker, Henry Jessopp, William Bristow, and Robert Hunter Gairdner, Esquires, Trustees of the Quebec Library, and others holding Shares as Proprietors therein, that the said Library was established at the City of Quebec in the Year One thousand seven hundred and seventy-nine, and has been in active Operation ever since, that the Management thereof is vested in Trustees appointed annually by a Majority of Votes, but that from the Want of Power in the said Trustees to compel Payment of the Sums of Money due to the said Library great Inconvenience and Loss are sustained, and that it would tend greatly to the Advantage, Instruction, and Improvement of the Inhabitants of Quebec and its Vicinity that the said Institution should be incorporated, and it is expedient to accede to the Prayer of the said Trustees, subject to the Provisions and Enactments herein-after made and contained; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That there shall be and there is hereby constituted and established in the City of Quebec aforesaid a Body Politic and Corporate under the Name of "The Trustees of the Quebec Library," which Corporation shall, until the First Tuesday in the Month of April in the Year One thousand eight hundred and forty-one, consist of the Trustees herein-before mentioned, and shall thereafter consist of Five of the Proprietors of the said Library, to be elected annually on the First Tuesday of April in each and every Year (or if any such Tuesday be a Holiday, or if the Election be not for any Cause then had, then on such Day as shall be appointed in the Manner herein-after mentioned), by a Majority of Votes of Proprietors of the said Library, not in Arrears of Subscription, present at a Meeting to be called by the Trustees for the Time being for the Purpose of such Election, by an Advertisement inserted during Two Weeks in some Newspaper published in the said City of Quebec, specifying the Day, Hour, Place, and Object of such Meeting; and such Corporation shall have perpetual Succession, and shall be in Law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all Courts of Law within the said Province, and shall be in Law capable of purchasing, holding, and conveying any Estate, Real or Personal, for the Use of the said Library, provided such Real or Personal Estate at any One Time held by the said Corporation shall not together exceed the Value of Three thousand Pounds, and shall have a Common Seal, with full Power to alter, change, or break such Seal at their Pleasure; and the said Corporation shall have full Power and Authority to make and establish such Rules, Orders, and Regulations (not being contrary to the Laws of this Province or the Provisions of this Ordinance) as shall by them be deemed useful or necessary for the Management of the said Library, and to impose upon and exact from the Proprietors and Subscribers to the said Library such Fines and Penalties for the Breach or Contravention of such Rules, Orders, and Regulations as to them shall appear requisite; provided always, that the said Corporation shall not impose or exact Fines of a higher or larger Amount than those heretofore and now exacted by the Trustees of the

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said Library in like Cases, nor shall any such Fine or Forfeiture for any One Breach or Contravention of such Rules, Orders, or Regulations exceed the Sum of Ten Shillings Currency; and the said Library, and all the Property and Estate, Real or Personal, now belonging to or hereafter to be acquired by the said Proprietors thereof, as such, and all Debts, Claims, and Rights whatsoever due to them in that Quality, shall be and are hereby vested in the Corporation hereby established, in Trust for and to the Use of the said Proprietors, and to and for the Purposes of this Ordinance; and each and every Act of any Majority of the Members of the said Corporation shall in Law be deemed and held to be the Act of the Corporation, and shall have Force and Effect accordingly.

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And be it further ordained and enacted by the Authority aforesaid, That any Proprietor in the said Library residing in the said City of Quebec and its Vicinity, who shall refuse or neglect to pay his or her annual Subscription to the said Library for Three consecutive Years or upwards, may be notified by the said Corporation, by a Notice in Writing, to be served either personally on such Proprietor or at his or her Domicile, that unless the Arrears so due be paid to the said Corporation within One Month after such Notice, the Share or Shares of such Proprietor so in Arrears will be sold by Auction at a certain Place and Time in the said Notice to be specified; and if after such Notice the said Proprietor so in Arrears do not pay to the said Corporation, or to the Person authorized by them to receive the same, the Arrears so due, within the Day in the said Notice mentioned, then and in that Case it shall be lawful for the said Corporation and they are hereby authorized to sell by Auction to the best and highest Bidder, at the Time and Place in such aforesaid Notice specified, the Share or Shares of such Proprietor, and to apply the Proceeds of such Shares so sold to the Payment of any Debt due by the said Corporation for the general Expenses of the said Library, and the Balance, if any, specially to the Purchase of Books, Maps, or Charts, to be added to the said Library.

And be it further ordained and enacted by the Authority aforesaid, That the said Corporation, on a Requisition to them presented, signed by not less than Eleven Proprietors of the said Library, not in Arrears of Subscription, shall, by a Notice to be inserted for not less than One Week in One or more Newspapers published in the said City of Quebec, call a Meeting of the Proprietors of the said Library to be held in the Building containing the said Library, and shall submit to such Meeting all Rules, Orders, and Regulations by the said Corporation made by virtue of the Powers vested in them by this Ordinance; and the said Proprietors, not in Arrears as aforesaid, assembled at such Meeting, or the Majority of them, shall have full Power to revise, alter, or rescind any such Rules, Orders, and Regulations, (which shall nevertheless remain in full force and virtue until so altered or rescinded,) or other Rules, Orders, or Regulations to make and establish in lieu of those so altered or rescinded, or in addition to those theretofore made; provided always, that the said Meeting shall not consist of less than Twenty-one Proprietors of the said Library, not in Arrears as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be a Public Act or Ordinance, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other Persons whom it shall concern, without being specially pleaded.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall be and remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twenty-sixth Day of June, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the

ORDINANCES PASSED BY THE GOVERNOR

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Quebec Library.

the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord one thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twenty-sixth Day of June One thousand eight hundred and forty, and in the Fourth Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 163.

No. 163.

Improvement of
Roads in the
Neighbourhood
of Montreal.

An Ordinance to provide for the Improvement of the Roads in the Neighbourhood of and leading to the City of Montreal, and to raise a Fund for that Purpose.

[Passed 15th June 1840.]

WHEREAS the State of the Roads in the Neighbourhood of and leading to the City of Montreal is such as to render their Improvement an Object of immediate and urgent Necessity, and it is therefore expedient to provide Means for effecting such Improvement, and to create a Fund for defraying the Expense thereof, and the Expenses necessary for keeping the said Roads in permanent Repair; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament, and for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That it shall and may be lawful for the Governor of the said Province, by Letters Patent under the Great Seal of the Province, at any Time after the passing of this Ordinance, to appoint not less than Five nor more than Nine Persons to be, and who, and their Successors, to be appointed in the Manner herein-after provided, shall be Trustees for the Purpose of opening, making, and keeping in repair the Roads herein-after specified.

And be it further ordained and enacted by the Authority aforesaid, That in case of the Death, Absence for more than Three Months from the Province, Misconduct, Inability, or Neglect to act, or Resignation of any One or more of the Trustees so to be appointed, the Governor of the said Province may declare a Vacancy in the said Trust, and supply and fill such Vacancy by the Appointment by Letters Patent of other One or more Trustees as the Case may require; and until such Appointment, the remaining Trustee or Trustees, and the Majority of them, shall continue to do and perform all and every the Acts, Matters, and Things necessary for and pertaining to their Trust, and the Purposes of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That the said Trustees, for all the Purposes of this Ordinance, may sue and be sued, and answer and be answered unto, in all Courts of Justice and other Places, and may acquire Property and Estates, moveable and immoveable, which being so acquired shall be vested in Her Majesty for the public Uses of the Province, subject

to the Management of the said Trustees for the Purposes of this Ordinance, and may, in the Manner which they shall deem fit, cause the said Roads, and each of them, and the Bridges thereupon, to be improved and widened, repaired, and made anew, and may change the Direction of the said Roads, or of any or either of them, and may cause to be repaired and made anew and maintained all Drains and other Passages which they may deem necessary, either within or without the Fences on the Sides of the said Roads or of any of them, or in or through any Lands or Premises whatsoever, and may for the Purposes aforesaid, or for any of them, by themselves, their Agents and Servants, go into and enter upon any Land or Real Property whatsoever, and take therefrom any Earth, Stone, or other Materials which they may deem necessary for the Purposes of this Ordinance, and may cause to be erected, Gates, Toll Bars, Turnpikes, Turnpike Houses, and other Buildings, and may from Time to Time appoint and employ a Surveyor and all such Officers and Persons under them as they may deem necessary for the Purposes of this Ordinance, and may remove such Surveyor, and other Officers and Persons, or any of them, and appoint others in their Stead, and may cause to be given, and take and receive, from such Officers and Persons respectively, Security for the due Performance of their respective Duties, and may pay to such Surveyor, Officers, and Persons such reasonable Compensation as the said Trustees shall deem meet, and generally to do and perform all such Matters and Things as may be necessary for carrying this Ordinance into effect, according to the true Intent, Meaning, and Object thereof; any Law, Statute, or Usage to the contrary notwithstanding.

And be it further ordained and enacted by the Authority aforesaid, That if the said Trustees, in the Execution of their Trust, and for the Purposes of this Ordinance, shall, as they are hereby authorized to do, acquire any Lands or Grounds belonging to or in the Possession of any Body Politic, Community, Corporation, or other Person or Persons whomsoever, who cannot in common Course of Law sell or alienate any such Lands or Grounds, an annual Rent, to be fixed by Agreement or by Arbitration, and not a Principal Sum, shall be paid as an Equivalent; and in case the said Parties shall not agree upon the Amount of such Rent, or upon Arbitration to fix the same, the said Rent shall be settled and determined by the Judgment of any Court of competent Jurisdiction, to be rendered in an Action or Actions to be instituted for that Purpose by the Parties concerned against the said Trustees: Provided always, that if the Amount at which the said annual Rent shall be settled by such Judgment shall not exceed any Sum which the said Trustees may have tendered previously to the Institution of such Action, the Parties instituting the same shall pay all Costs of Suit, but if otherwise the said Trustees shall pay all Costs of Suit; and for the Payment of the said annual Rent, and every other annual Rent agreed upon or ascertained for the Purchase of any Lands or Grounds, the said Tolls to be levied and collected thereon shall be and are hereby made liable and chargeable in preference to all other Claims whatsoever.

And be it further ordained and enacted by the Authority aforesaid, That the said Trustees, before acquiring any Land for the Purposes of the said Trust (except in the Case provided in the Fourth Section of this Ordinance), shall pay to the Proprietor or Proprietors thereof the just and reasonable Value of such Land, and they shall make reasonable Satisfaction to each and every Person, Body Politic or Corporate, who shall have suffered Damage by reason of any thing done by them in carrying this Ordinance into effect, beyond the Amount of such Damage as the Party might have been bound to suffer without Compensation before the passing of this Ordinance by the Laws of this Province; and if the Party entitled to such Value or Compensation shall not be satisfied with the Sum offered by the said Trustees, the same shall be decided by a Jury, to be impanelled and sworn for that Purpose at any Sitting of the Court of Quarter Sessions for the District of Montreal, at the Suit of the Party sustaining such Damage; and if the Damages awarded by the Verdict of such Jury shall exceed the Compensation offered, the Trustees shall pay the Costs of Suit, which shall otherwise be paid by the Party who shall have brought the same.

And be it further ordained and enacted by the Authority aforesaid, That the said Trustees, or a Majority of them, may, by an Instrument in Writing signed by them, appoint One of their Number to be the Manager of the said Trust; and

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and any and all Acts, Matters, and Things by him done and performed in and about the said Trust, and for the Purposes of this Ordinance, and any and all Writings and Documents whatsoever relating to or connected with the said Trust and the Purposes of this Ordinance, signed by him, and countersigned by Two of the other Trustees in case they be Five in Number, or by Three of the other Trustees in case they be more than Five in Number, shall be held to be good and valid to all Intents and Purposes whatsoever: Provided always, that the said Trustees, or a Majority of them, may, by an Instrument under their Hands, revoke such Appointment, and appoint in like Manner any other of their Number Manager as aforesaid; and provided also, that nothing herein contained shall prevent or be construed to prevent the Trustees, or the Majority of them, from acting collectively for all the Purposes of their Trust and of this Ordinance, without appointing a Manager as aforesaid.

And be it further ordained and enacted by the Authority aforesaid, That the Roads to and over which the Provisions of this Ordinance and the Powers of the said Trustees shall extend are, firstly, the Upper Lachine Road, from the Boundary of the City and Town of Montreal towards the South-west to the upper Entrance of the Lachine Canal, and the Continuation of the said Road towards the Point Claire Two hundred Yards above and beyond the said upper Entrance of the said Canal; secondly, the main Road from the Boundary of the said City and Town towards the North-east to the Ferry over the River Desprairies at the Place commonly called Bout de l'Isle, in the Parish of La Pointe aux Trembles; thirdly, the Cote des Neiges Road, from the Boundary of the said City and Town towards the North-west to the Place called l'Abord à Plouffe on the said River Desprairies; fourthly, the main Road commonly known as the Continuation of the St. Lawrence Street, and leading in a North-westerly Direction from the City Boundary to Mile End Tavern, and thence in the same Direction to a Point on the said River Desprairies in the Parish of Sault au Recollet; fifthly, the Road commonly called the Road of the Cote Sainte Catherine, from the said Road thirdly above mentioned to the said Road lastly above mentioned, and thence to the Road next herein-after mentioned; sixthly, the Road commonly the Victoria Road, from the Boundary of the said City and Town towards the North-east, running to the North-west until it joins the Road last above mentioned; seventhly, the Lower Lachine Road, from the Boundary of the said City and Town towards the South, to, and One hundred Yards beyond its Junction with the Cross Road leading from the said Lower Lachine Road to the Upper Lachine Road herein-after mentioned at or near the Village of Saint Henry; eighthly, the Cross Road last above mentioned, and throughout its whole Length as above defined; ninthly, the said Lower Lachine Road from a Point One hundred Yards below and to the Eastward of the Church of the Parish of Saint Michel de Lachine to its Junction with the said Upper Lachine Road: Provided always, that the Word "Road" in this Section shall be construed to mean as well front Roads as Routes or bye Roads, and any new Road or Part of a Road (between the said Points beginning and ending of each Road respectively) to be made by the said Trustees as well as the now existing Roads or Portions of Roads between such Points.

And be it further ordained and enacted by the Authority aforesaid, That the said Trustees may and shall demand, levy, exact, and receive, on each of the said Roads, at the Turnpike Gates and Toll Houses to be thereon established under and by virtue of this Ordinance, from all and every Person and Persons who shall pass upon or use the said Roads or either of them, the certain Tolls and Rates hereby designated and established; that is to say, upon that one of the said Roads in the Seventh Section of this Ordinance firstly mentioned, known as the Upper Lachine Road, the Tolls and Rates following; namely, For every Waggon, Wain, Cart, or other Wheel Carriage for the Transportation of Loads, the Wheels whereof have Tires or Tracks of the Breadth of Five Inches or upwards English Measure, drawn by One or Two Horses or other Beasts, if the same be loaded in whole or in part the Sum of Sixpence Currency, and if the same be not loaded the Sum of Four-pence Currency; and for every such Waggon, Wain, or Cart with Wheels the Tires or Tracks whereof shall have a Breadth less than Five and not less than Two and a Quarter Inches English Measure, drawn as aforesaid, if loaded in whole or in part the Sum of Eight-pence Currency, and if not loaded the Sum of Sixpence Currency; and for every such Waggon, Wain, or Cart with Wheels the Tires

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of Tracks whereof shall have a Breadth less than Two and a Quarter Inches, drawn as aforesaid, if loaded in whole or in part the Sum of One Shilling Currency, and if not loaded the Sum of Eight-pence Currency; and for every additional Horse or other Beast to any such Waggon, Wain, or Cart herein-before mentioned, the further Sum of Four-pence Currency: For every Coach, Stage Coach, Gig, Calèche, Denmet, Spring Cart, or other Wheel Carriage, (other than Waggon, Wains, and Carts of the Description herein-before mentioned,) having Wheels with Tires of the Breadth of Two and a Quarter Inches or upwards English Measure, drawn by One Horse or other Beast, the Sum of Eight-pence Currency; and for every such Coach, Stage Coach, Gig, Calèche, Denmet, Spring Cart, or other Wheel Carriage, (other than Waggon, Wains, or Carts of the Description herein-before mentioned,) having Wheels with Tires or Tracks less than Two and a Quarter Inches English Measure in Breadth, drawn as aforesaid, the Sum of One Shilling Currency; and for every additional Horse to such Stage Coach, Gig, Calèche, Denmet, Spring Cart, or other Wheel Carriage the further Sum of Four-pence Currency: For every Sleigh, Train, Drag, Berline, Cariole, or other Winter Vehicle whatsoever, drawn by One Horse or other Beast, the Sum of Four-pence Currency, and for every additional Horse the further Sum of Two-pence Currency: For every Horse, Mare, or Gelding with a Rider, the Sum of Four-pence Currency: For every Horse, Mare, Gelding, Ass, Mule, Ox, Cow, and Head of other Neat Cattle not drawing, the Sum of Two-pence Currency: For every Score of Sheep, Lambs, Hogs, or Swine, the Sum of Five-pence Currency: And upon all the said several Roads in the said Seventh Section of this Ordinance described, other than the said Upper Lachine Road, the Tolls and Rates to be so demanded, levied, exacted, and received as aforesaid, for every Waggon, Wain, Cart, or other Wheel Carriage for the Transportation of Loads, and for every Coach, Stage Coach, Gig, Calèche, Denmet, Spring Cart, or other Wheel Carriage, and for every Winter Vehicle, and for every Horse, Mare, and Gelding, with or without a Rider, and every Ass, Mule, Ox, Cow, and other Head of Neat Cattle, and every Sheep, Lamb, Hog, or Swine passing on or using the said several Roads, other than the said Upper Lachine Road, shall be regulated and governed in Amount by the said Tolls and Rates herein-before established and authorized to be taken upon the said Upper Lachine Road, according to the Proportion which the said several Roads respectively bear in Length to the said Upper Lachine Road, subject in all respects to the Rules, Classifications, Scale, and Degrees herein-before provided for and in relation to the said Upper Lachine Road, and the Tolls and Rates to be thereon taken; that is to say, the Tolls and Rates to be demanded, levied, exacted, and received by the said Trustees upon each of the said several Roads, other than the said Upper Lachine Road, shall bear the same Proportion in Amount to the said Tolls and Rates herein-before specified as the Length of such Road bears to the Length of the said Upper Lachine Road, unless in ascertaining such Proportion in reference to any of the said several Roads the Result shall exhibit a fractional Part of a Penny, in which Case such fractional Part of a Penny shall be deducted, and the Sum remaining after such Deduction shall be Rate and Toll upon such Road; and the said Trustees may and they are hereby authorized and empowered to make and establish the Regulations under which such Tolls or Rates shall be so levied and collected, and, with the Consent of the Governor, may, from Time to Time, as they shall see fit, alter and change and modify the said Rates and Tolls and the said Regulations, and may and shall prevent the passing through any Turnpike Gate or Toll Bar, by any Person, Vehicle, Animal, or Thing, from or on which any Rate or Toll shall be payable, until such Rate or Toll be paid; and the said Trustees shall affix in a conspicuous Place at each Turnpike Gate and Toll Bar whereat any Rate or Toll is payable, a Table of the Tolls to be taken thereat, and the Regulations under which such Tolls are to be levied, plainly and legibly printed: Provided always, that nothing herein contained shall entitle the said Trustees at any Time to establish, demand, levy, exact, or receive any Rates or Tolls upon the said Roads, or any of them, exceeding the Rates and Tolls herein-before authorized to be exacted and received.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That Her Majesty's Mail, and Persons, Animals, and Carriages employed in the Conveyance thereof, Her Majesty's Officers and Soldiers, being

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being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in a hired or private Vehicle,) and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, when conveying Persons in such Service, or returning therefrom, and all Recruits marching by Route, and all Persons, Animals, and Carriages attending Funerals, shall pass Toll-free through any Turnpike and Toll Gate to be erected under the Authority of this Ordinance.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That no more than One full Toll in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) shall be demanded or taken for or in respect of the same Horse or Horses, or other Beast or Beasts, or Cattle, drawing the same Waggon, Wain, Cart, Coach, Gig, Calèche, Deunet, Spring Cart, or other Wheel Carriage or Winter Carriage, or for or in respect of the same Horse, Mule, Ass, or other Beast or Cattle, laden or unladen, or not drawing, or for or in respect of the same Oxen or Ox, Neat Cattle, Calves, Swine, Sheep, or Lambs, for passing and repassing through all or any of the Gates along the Line of the same One of the said Roads, except as herein-after mentioned.

Provided also, and be it further ordained and enacted by the Authority aforesaid, That the Tolls hereby made payable for and in respect of any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage, or any Cart conveying Passengers or Goods for Pay or Reward, or conveying Stones, and for and in respect of any Horse or Horses, Beast or Beasts, drawing the same, shall be payable and paid every Time of passing or repassing along the said Road; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

And be it further ordained and enacted by the Authority aforesaid, That the said Trustees may, if they think proper, commute the Tolls on any Road or Portion thereof with any Person or Persons, by taking a certain Sum, either monthly or yearly, in lieu of such Tolls.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That the said Trustees may make such equitable Arrangement with any Person desiring or having Occasion to cross any One or more of the said Roads as to them may seem just and reasonable; and may from Time to Time, if they shall deem it advantageous to the Public, let or farm the Tolls to be levied on any of the said Roads, by public Auction, to the highest and best Bidder, for a Time not exceeding One Year in any Case, taking good and sufficient Security from the Farmer or Lessee.

And be it further ordained and enacted by the Authority aforesaid, That the said Roads shall, from and after the passing of this Ordinance, be and remain under the exclusive Management, Charge, and Control of the said Trustees, and the Tolls thereon shall be applied solely to the necessary Expenses of the Management, making, and repairing of the said Roads, and the Payment of the Interest on and Principal of the Debentures herein-after mentioned; and all Powers, Authorities, Jurisdiction, and Control over or with regard to the said Roads, or any of them, heretofore vested in any Grand Voyer, Overseer of Roads, or Road Surveyor, or other Road Officer, by a certain Act passed in the Thirty-sixth Year of the Reign of King George the Third, intituled "An Act for making, repairing, and altering the Highways and Bridges in this Province, and for other Purposes," or by any other Act or Ordinance or Law whatever, shall cease and determine from and after the passing of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That from and after the passing of this Ordinance each and every Person or Persons, Body or Bodies Politic or Corporate, who may be bound by any Law of this Province, or any Procès Verbal duly homologated, (and all such Laws and Procès Verbaux shall remain in full Force, except in so far as they are hereby expressly derogated from,) to repair or keep up, or to perform any Service or Labour on or with regard to, any Portion of any Road hereby placed under the Control of the said Trustees, shall and are hereby required to commute all such Obligations with the said Trustees for such Sum of Money as may be agreed upon by such Parties respectively and the said Trustees, and such Com-

mutation

mutation Money shall be payable annually on the First Day of May in each Year; and if any such Party shall neglect or refuse to pay the Sum so agreed upon when due, the said Trustees may sue for and recover the same, with Costs, in any Court having Jurisdiction to the Amount: Provided always, that if no such Agreement or Commutation shall be effected in any Case, the said Trustees may sue the Party neglecting or refusing to make such Agreement for the Sum which in their Estimation such Party ought then to pay for such Commutation, in any Court having Jurisdiction to the Amount so sued for, and may recover the same, or such less Sum as the Court shall award; and the Rate determined by the Judgment shall be the Rate to be thereafter paid for such Commutation by the Party Defendant, or such Party as may be liable to the Commutation of the same Obligations: Provided also, that Costs shall be awarded to any such Party who shall before the Commencement of such Suit have legally tendered to the said Trustees at their Office, or to the Manager in Person, a Sum equal to that for which Judgment shall in such Suit be given.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, as soon after the passing of this Ordinance as may be expedient, to raise, by way of Loan on the Credit and Security of the Tolls hereby authorized to be imposed, and of other Monies which may come into the Possession and be at the Disposal of the said Trustees under and by virtue of this Ordinance, and not to be paid out of or be chargeable against the general Revenue of this Province, any Sum or Sums of Money not exceeding in the whole Thirty-five thousand Pounds Currency.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the said Trustees to cause to be made out, for such Sum or Sums of Money as they may raise by Loan as aforesaid, Debentures, in the Form contained in the Schedule (A.) to this Ordinance annexed, redeemable at such Time or Times (subject to the Provisions herein made) as the said Trustees shall think most safe and convenient; which said Debentures shall be signed in the Manner above provided for the written Acts relating to the said Trust, and shall be transferrable by Delivery.

And be it further ordained and enacted by the Authority aforesaid, That such Debentures shall respectively bear Interest at the Rate therein mentioned, which may, at the Discretion of the Trustees, and with the express Approval and Sanction of the Governor of this Province, and not otherwise, exceed the Rate of Six per Centum per Annum, any Law to the contrary notwithstanding, and shall be the lowest Rate at which the said Sum or Sums to be loaned on any such Debentures shall be offered or can be obtained by the said Trustees, such Interest to be paid out of the Tolls upon the said Roads, or out of any other Monies at the Disposal of the Trustees for the Purposes of this Ordinance.

And be it further ordained and enacted by the Authority aforesaid, That if any Person or Persons shall forge or counterfeit any such Debenture as aforesaid, or any Signature, Endorsement, or Writing thereon or therein, or tender in Payment any such Debenture, or any Debenture, with such counterfeit Signature, Endorsement, or Writing thereon or therein, or shall demand the Payment of any Sum of Money thereby secured, or of any Interest thereon, knowing such Debenture, or the Signature, Endorsement, or Writing thereon or therein to be forged or counterfeited, with Intent to defraud the said Trustees or any of them, or any other Person or Persons, Body or Bodies Politic or Corporate, such Person or Persons so offending shall be guilty of Felony.

And be it further ordained and enacted by the Authority aforesaid, That if at any Time after the said Debentures or any of them shall have become due and payable according to the Terms thereof Notice shall be inserted Three several Times, at Intervals of not less than One Month apart, in one of the Newspapers published in the City of Montreal, and in the Quebec Gazette published by Authority, requiring all Holders of such Debentures to present the same for Payment, all Interest upon any Debentures then payable, which shall remain out more than Six Months from the first Insertion, shall cease to accrue from the End of the said Six Months.

And be it further ordained and enacted by the Authority aforesaid, That nothing herein contained shall prevent the said Trustees from voluntarily redeeming any Debenture, with the Consent of the lawful Holder thereof,

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at any Time before such Debenture shall be made redeemable, if the State of the Funds of the said Trustees shall be such as to warrant such Redemption.

And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the Governor for the Time being, if he shall deem it expedient, at any Time within Three Years from the passing of this Ordinance, and not afterwards, to purchase for the public Uses of this Province, and from the said Trustees, Debentures to an Amount not exceeding Twenty thousand Pounds Currency, and by Warrant under his Hand to authorize the Receiver General to pay to the said Trustees, out of any unappropriated public Monies in his Hands, the Sum secured by such Debentures, the Interest and Principal of and on which shall be paid to the Receiver General by the said Trustees, in the same Manner and under the same Provisions as are provided with regard to such Payments to any lawful Holder of such Debentures, and being so paid shall remain in the Hands of the Receiver General, at the Disposal of the Legislative Authority of the Province for the Time being.

And be it further ordained and enacted by the Authority aforesaid, That if at any Time it shall happen that the Monies then in the Hands of the said Trustees shall be insufficient to enable the Trustees to make any Payment required or authorized to be made by this Ordinance, all Arrears of Interest due on any Debentures issued under the Authority of this Ordinance shall be paid by the said Trustees before any Part of the Principal Sum then due upon and secured by any such Debenture shall be so paid; and if the Deficiency be such that the Funds then at the Disposal of the Trustees shall not be sufficient to pay such Arrears of Interest, it shall be lawful for the Governor for the Time being, by Warrant under his Hand, to authorize the Receiver General to advance to the said Trustees, out of any unappropriated Monies in his Hands, such Sum of Money as may, with the Funds then at the Disposal of the Trustees, be sufficient to pay such Arrears of Interest as aforesaid; and the Amount so advanced shall be repaid by the said Trustees to the Receiver General out of the Sum so to be commuted, levied, and collected as aforesaid, and being so repaid shall remain in the Hands of the Receiver General, at the Disposal of the Legislative Authority of the Province.

And be it further ordained and enacted by the Authority aforesaid, That the due Application of all public Monies, whereof the Expenditure on Receipt is authorized by the preceding Sections, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the Time being, in such Manner and Form as Her Majesty, Her Heirs and Successors, shall be pleased to direct.

And be it further ordained and enacted by the Authority aforesaid, That if any Person or Persons shall cut, break down, destroy, or wilfully injure any Turnpike Gate, Toll Bar, Toll House, Embankment, Drain, or Work of any Kind whatever erected or made under the Authority of this Ordinance, such Person or Persons so offending shall be guilty of a Misdemeanor, and being thereof lawfully convicted before any Court of competent Jurisdiction may be punished by Fine and Imprisonment; and if any Person shall forcibly pass, or attempt to pass, any such Turnpike Gate or Toll Bar, without having first paid the legal Toll thereat, such Person or Persons shall incur a Penalty not exceeding Forty Shillings Currency for each Offence.

And be it further ordained and enacted by the Authority aforesaid, That no Person shall leave any Waggon, Cart, or other Carriage, nor shall lay or leave any Matter or Thing creating any Obstruction of any Kind, in or upon any of the said Roads, or the Ditches or Drains thereof, or those made by or by Order of the said Trustees, under a Penalty not exceeding Twenty Shillings Currency for each Offence.

And be it further ordained and enacted by the Authority aforesaid, That if any Person or Persons shall, after proceeding upon any of the said Roads (whether in the Winter Season or in any other Season) with any Carriages, Animals, or Things liable to Toll, turn out of the same into any other Road, so as to evade Payment of Toll at any Turnpike Gate or Toll Bar, such Person or Persons shall for each such Offence incur a Penalty not exceeding Ten Shillings; and the said Trustees shall and may place Turnpike Gates and Toll Bars on and across the Entrance of any Passage or Way leading into or from any of the said Roads, in order to prevent such Evasion of Toll.

And be it further ordained and enacted by the Authority aforesaid, That if any

any Person or Persons, Body Politic or Corporate, occupying or possessing any enclosed Lands near any of the said Roads, shall, whether in the Winter or at any other Season, knowingly permit or suffer any Person or Persons to pass through such Lands, or through any Gate, Passage, or Way thereon, with any Carriage, Animal, or Thing liable to the Payment of Toll on such Road, for the Purpose of avoiding and so as to avoid the Payment thereof, such Person or Persons so offending, and the Person or Persons so unlawfully permitted to avoid such Payment, shall each and severally incur a Penalty not exceeding Ten Shillings Currency for each Offence.

And be it further ordained and enacted by the Authority aforesaid, That all Penalties imposed by this Ordinance, and not exceeding Forty Shillings for each Offence, may be sued for and recovered, with Costs, on the Oath of One competent Witness, before any Two Justices of the Peace for the District of Montreal, who may, on Conviction, commit the Offender to the Common Gaol of the District for a Period not exceeding Two Weeks for each Offence, or until such Penalty and Costs be paid; and one Moiety of all such Penalties shall belong to the Informer, and the other Moiety to the said Trustees: Provided always, that any Member, Officer, or Servant of the Corporation shall be a competent Witness, if he be not the Informer, or if he be such Informer and renounce all Claim to any Portion of the Penalty, which shall in such Case belong wholly to the said Trustees for the Purposes of this Ordinance.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That each and every Person committing any Offence against the Provisions of this Ordinance shall, in addition to any Penalty imposed by it for such Offence, be liable to the said Trustees for all Damages they may have sustained by reason of such Offence.

And be it further ordained and enacted by the Authority aforesaid, That the said Trustees shall lay detailed Accounts of all Monies by them received and expended under the Authority of this Ordinance, supported by proper Vouchers, and also detailed Reports of all their Doings and Proceedings under the said Authority, before such Officer, at such Times, and in such Manner and Form, and shall publish the same in such Way, at the Expense of the said Trustees, as the Governor shall be pleased to direct.

And be it further ordained and enacted by the Authority aforesaid, That the Word "Governor" is to be understood as comprehending and meaning the Governor, the Lieutenant Governor, and Person administering the Government of the said Province.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be a Public Ordinance, and as such shall be taken notice of, held, and allowed in all Courts and elsewhere, and by all Judges, Justices, and Persons whatsoever, without being specially pleaded.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be a permanent Ordinance, and shall be in force until repealed or altered by competent Authority.

No. 163.

Improvement of
Roads in the
Neighbourhood
of Montreal.

SCHEDULE (A.)

ROAD LOAN.

Certificate No.—
— Currency.
Interest at—per Cent.
18.—
Interest on
this Certificate paid
To January 18—Receipt No.—
July —
January 18—
July —
January 18—
July —
January 18—
July —
January 18—

Certificate No.— }
— Currency }

Montreal—18—.

WE certify that under the Authority of the Provincial Ordinance of Lower Canada passed on the—Day of—18—(Third Victoria, Cap.), intituled "An Ordinance to provide for the Improvement of the Roads in the Neighbourhood of and leading to the City of Montreal, and to raise a Fund for that Purpose," there has been borrowed and received from—the Sum of—Pounds Currency, bearing Interest from the Date hereof at the Rate of—per Cent. per Annum, payable half-yearly on the—Day of—and—; which Sum is reimbursable to the said—, or Bearer hereof, on or before the—Day of—, in the Manner provided for by the Provincial Ordinance aforesaid.

Registered by

} Trustees.

(Signed) C. POULETT THOMSON.

T S

(4.)

No. 163.

Improvement of
Roads in the
Neighbourhood
of Montreal.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Fifteenth Day of June, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Fifteenth Day of June One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 164.

No. 164.

Incorporating the
Ecclesiastics of
St. Sulpice, con-
firming their Title,
and providing for
the Extinction of
Seigniorial Rights
therein.

An Ordinance to incorporate the Ecclesiastics of the Seminary of Saint Sulpice of Montreal; to confirm their Title to the Fief and Seigniority of the Island of Montreal, the Fief and Seigniority of the Lake of the Two Mountains, and the Fief and Seigniority of Saint Sulpice, in this Province; to provide for the gradual Extinction of Seigniorial Rights and Dues within the Seigniorial Limits of the said Fiefs and Seigniorities; and for other Purposes. [Passed 8th June 1840.]

WHEREAS the Ecclesiastics of the Seminary of Saint Sulpice, established at Montreal in this Province, have, since the Capitulation made and signed at Montreal aforesaid on the Eighth Day of September which was in the Year of our Lord One thousand seven hundred and sixty, held, possessed, and enjoyed, and do still hold, possess, and enjoy, the Fief and Seigniority of the Island of Montreal and its Dependencies, the Fief and Seigniority of the Lake of the Two Mountains, and the Fief and Seigniority of Saint Sulpice; and the said Ecclesiastics have alleged, and do allege, that they so as aforesaid have held, possessed, and enjoyed, and still do hold, possess, and enjoy, all and singular the said Fiefs and Seigniorities, and their Dependencies, rightfully and as the true and lawful Owners of the same: And whereas Doubts and Controversies have arisen touching the Right and Title of the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal in and to the several Fiefs and Seigniorities and their Dependencies, of which they have, as aforesaid, been in possession since the said Capitulation, and it has been contended that all and every the said Fiefs and Seigniorities became by the Conquest of this Province by the British Arms vested, and still remain vested, in the Crown: And whereas Her Majesty, desirous that all such Doubts and Controversies should be removed and terminated, and that Her faithful Subjects holding Lands within the Seigniorial Limits of the said Fiefs and Seigniorities should be enabled to effect and obtain the gradual Extinction of all Seigniorial Rights, Dues, and Duties, payable or performable for or by reason of such their Lands, has, of Her own mere Will and proper Motion, graciously signified Her Royal Pleasure that the Right and Title of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal in and to the said several Fiefs and Seigniorities should be absolutely confirmed, under and subject to the Terms, Provisoos, Conditions, and Limitations herein-after contained and expressed, which said Terms, Provisoos, Conditions, and Limitations have been fully and formally agreed to and accepted by the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal: And whereas, for fulfilling Her Majesty's gracious Pleasure and Intentions in the said Behalf, and for other the Purposes aforesaid, it is expe-

Incorporating the Ecclesiastics of St. Sulpice, confirming their Titles, and providing for the Extinction of Seigniorial Rights therein.

client and necessary that the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal should be constituted an Ecclesiastical Corporation or Body Corporate and Ecclesiastical (Communauté Ecclesiastique) for the Purposes herein-after mentioned; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the same, and by virtue of the Powers in them vested by the said Acts of Parliament, That Joseph Quiblier, Jean Louis Melchior Sauvage du Chatillonet, Jean Richard, Joseph Comte, and others, who now are Members of the said Seminary of Saint Sulpice of Montreal, and compose the Body thereof, and their Ecclesiastical Successors, named and appointed by and according to the Rules and Regulations which now are or hereafter may be in force for the Government of that Institution or Body, shall be and they are hereby made, constituted, and declared to be an Ecclesiastical Corporation or Body Corporate and Ecclesiastical (Communauté Ecclesiastique) in Name and Deed, by the Name of "The Ecclesiastics of the Seminary of Saint Sulpice of Montreal," and that by the same Name they shall have perpetual Succession, by admitting and electing new Members, according to the Rules of their Foundation and the Practice by them heretofore followed (subject always to the Provisions herein-after made touching such Rules and Practice), and shall have a Common Seal, with Power to alter, break, and make new the same, when and as often as they shall judge it expedient so to do; and that they and their Successors by the same Name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Record and Places of Judicature and Jurisdiction within the said Province, and do, perform, and execute all and every lawful Acts and Things in as full and ample Manner and Form, to all Intents, Constructions, and Purposes as any other Ecclesiastical Corporation or Body Corporate and Ecclesiastical by Law may or ought to do: Provided always, that no Rules, Bye Laws, or Regulations, or Practice, for or concerning the Admission and Election of new Members, or the temporal Government of the said Corporation or its Successors, shall, after the Expiration of Six Months from the passing of this Ordinance, be valid, binding, or effectual, unless they shall have been reduced to Writing, and shall have been laid before the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, and shall have been by him expressly approved, confirmed, and ratified.

And be it further ordained and enacted by the Authority aforesaid, That the Right and Title of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, in and to all and singular the said Fiefs and Seigniories of the Island of Montreal, of the Lake of the Two Mountains, and of Saint Sulpice, and their several Dependencies, and in and to all Seigniorial and Feudal Rights, Privileges, Dues, and Duties arising out of and from the same, and in and to all and every the Domains, Lands, Reservations, Buildings, Messuages, Tenements, and Hereditaments within the said several Fiefs and Seigniories now held and possessed by them as Proprietors thereof, and also in and to all Monies, Debts, Hypothèques, and other Real Securities, Arrears of Lods et Ventes, Cens et Rentes, and other Seigniorial Dues and Duties payable or performable by reason of Lands holden by Censitaires, Tenants, and others, in the said several Fiefs and Seigniories, Goods, Chattels, and moveable Property whatsoever, now due, owing, belonging, or accrued to the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal, or which may hereafter become due and owing or accrue and belong to them or to the said Ecclesiastical Corporation hereby constituted, or their Successors, by reason of any Lands and Tenements holden in the respective Censives of the said several Fiefs and Seigniories, with all and

No. 164.

Incorporating the Ecclesiastics of St. Sulpice, confirming their Titles, and providing for the Extinction of Seigniorial Rights therein.

every the Rights, Privileges, and Appurtenances thereunto respectively belonging or in anywise appertaining, shall be and they are hereby confirmed and declared good, valid, and effectual in the Law; and the Corporation hereby constituted shall and may have, hold, and possess the same, as Proprietor thereof, as fully, in the same Manner, and to the same Extent as the Ecclesiastics of the Seminary of Saint Sulpice of the Fauxbourg of Saint Germain chez Paris, or of the Seminary of Saint Sulpice of Montreal, according to its Constitution, before the Eighteenth Day of September which was in the Year One thousand seven hundred and fifty-nine, or either or both of the said Seminaries might or could have done, or had a Right to do, or might or could have held, enjoyed, or applied the same, or any Part thereof, previously to the last-mentioned Period; and to and for the Purposes, Objects, and Intents following; that is to say, the Cure of Souls within the Parish (La Desserte de la Paroisse) of Montreal; the Mission of the Lake of the Two Mountains, for the Instruction and spiritual Care of the Algonquins and Iroquois Indians; the Support of the Petit Séminaire or College at Montreal; the Support of Schools for Children within the Parish of Montreal; the Support of the poor Invalids and Orphans; the sufficient Support and Maintenance of the Members of the Corporation, its Officers and Servants; and the Support of such other religious, charitable, and educational Institutions as may from Time to Time be approved and sanctioned by the Governor, Lieutenant Governor, or Person administering the Government of the Province for the Time being, and to or for no other Objects, Purposes, or Intents whatsoever.

And be it further ordained and enacted by the Authority aforesaid, That all and singular the said Fiefs and Seigniories of the Island of Montreal, of the Lake of the Two Mountains, and of Saint Sulpice, and all and every the said Domains, Lands, Buildings, Messuages, Tenements, and Hereditaments, Seigniorial Dues and Duties, Monies, Debts, Hypothèques, Real Securities, Arrears of Lods et Ventes, Cens et Rentes, and other Seigniorial Dues, Goods, Chattels, and moveable Property whatsoever, shall be and the same are hereby vested in the said Corporation of the Ecclesiastics of the Seminary of Saint Sulpice of Montreal hereby constituted, and their Successors, to be had, held, possessed, and enjoyed by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, as the true and lawful Owners and Proprietors of the same and of every Part and Parcel thereof, to the only Use, Benefit, and Behoof of the said Seminary or Corporation, and their Successors for ever, for the Purposes aforesaid, and according to their Rules and Regulations now being or hereafter to be in force; subject, however, to the Terms, Conditions, Provisions, and Limitations touching and concerning the same or any Part thereof, herein enacted, expressed, and contained.

And be it further ordained and enacted by the Authority aforesaid, That the said Corporation of the Ecclesiastics of the Seminary of Saint Sulpice of Montreal hereby constituted, and their Successors, shall be and they are hereby held and bound, whenever thereunto required by any of the Censitaires, or other Person or Persons, or Body or Bodies Politic or Corporate, who now hold or who may hereafter hold any real or immoveable Property à Titre de Cens or en Roture, within any One or more of the said Fiefs and Seigniories, to consent to grant and allow to and in favour of such Censitaire, Person or Persons, or Body or Bodies Corporate or Politic, requiring the same, a Commutation, Release, and Extinguishment of and from the Droits de Lods et Ventes, Cens et Rentes, and all feudal and seigniorial Burdens whatsoever to which such Censitaire, Person, or Body Corporate, holding real or immoveable Property in any One or more of the said Fiefs and Seigniories, his, her, or their Heirs, Successors, or Assigns, and such real and immoveable Property so by him, her, or them held, may be subject or liable, to in favour of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, for a certain Price, Indemnity, and Consideration in that Behalf agreed upon, or to be fixed, ascertained, and determined in manner herein-after provided, which shall be paid to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal or their Successors, by the Censitaire, Person, or Body Corporate requiring such Commutation, Release, and Extinguishment, in manner as herein-after is directed: Provided always, that no such Censitaire, Person, or Body Corporate or Politic shall be entitled to or demand any such Commutation, Release, and Extinguishment, in the

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the Behalf aforesaid; until he, she, or they shall have duly paid to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, all Arrears of Seigniorial Rights, Dues, and Duties which he, she, or they owed or may owe, or with which the said Land or immoveable Property in respect whereof such Commutation, Release, and Extinguishment may be sought or required, had been, was, or may be then chargeable, or shall have otherwise satisfied them in that Behalf by any Mode of Adjustment agreed upon and concluded.

And be it further ordained and enacted by the Authority aforesaid, That the Price, Consideration, and Indemnity to be paid by any Censitaire, Person, or Body Politic or Corporate, for such Commutation, Release, and Extinguishment, with regard to his, her, or their Land or immoveable Property situate within any One or more of the said Fiefs and Seigniories, to be paid by him, her, or them to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, shall be at and after the Rates following; that is to say, that the said Commutation of all Cens et Rentes within all and every the said Fiefs and Seigniories shall be had and obtained on the Payment of such Capital or Sum of Money as the said Cens et Rentes, reckoned at the legal Rate of Interest, shall or may represent; that the said Commutation of the Droit de Lods et Ventes, upon or in respect of any Lot, Piece, or Parcel of Land in the said Fief and Seigniorie of the Island of Montreal, having Buildings on it, and being with such Buildings of the Value of Five hundred Pounds Currency or upwards, shall be had and obtained, for and during the first Seven Years which shall elapse after the passing of this Ordinance, upon Payment of not more than One Twentieth Part of the Value of such Lot, Piece, or Parcel of Land and Buildings, and at any Time at and after the Expiration of Seven Years subsequent to the passing of this Ordinance, and before the Expiration of Fourteen Years from the said Time, upon Payment of not more than One-eighteenth Part of the Value of such Lot, Piece, or Parcel of Land and Buildings, and at any Time after the Expiration of Fourteen Years from the said Time, upon Payment of not more than One-sixteenth Part of the Value of such Lot, Piece, or Parcel of Land and Buildings; that the said Commutation of the said Droit de Lods et Ventes upon or in respect of any Lot, Piece, or Parcel of Land situated within the said City of Montreal, whereupon there may be Buildings of which the Value shall be less than Five hundred Pounds and more than One hundred Pounds Currency, shall be had and obtained, during the said first Period above mentioned of Seven Years after the passing of this Ordinance, upon Payment of not more than One-sixteenth Part of the Value of such Lot, Piece, or Parcel of Land and Buildings, and at any Time after the Expiration of the said Seven Years subsequent to the passing of this Ordinance, and before the Expiration of Fourteen Years from the said Time, upon Payment of not more than One-fourteenth Part of the Value of such Lot, Piece, or Parcel of Land and Buildings, and at any Time after the Expiration of Fourteen Years from the said Time upon Payment of not more than One-twelfth Part of the Value of such Lot, Piece, or Parcel of Land and Buildings; that the said Commutation of the said Droit de Lods et Ventes upon, for, or in respect of any Lot, Piece, or Parcel of Land situate without the said City of Montreal in any of the said Fiefs and Seigniories of the Island of Montreal, Lake of the Two Mountains, and Saint Sulpice, or for or in respect of any Lot, Piece, or Parcel of Land within the said City of Montreal, upon which there shall not be Buildings of the Value of One hundred Pounds Currency, shall be had and obtained for and during the said first Period of Seven Years after the passing of this Ordinance, upon Payment of not more than One-twelfth Part of the Value thereof, and at any Time after the Expiration of this Period of Seven Years subsequent to the coming into force and effect of this Ordinance, and before the Expiration of Fourteen Years from the said Time, upon Payment of not more than One-tenth Part of the said Value, and at any Time after the Expiration of Fourteen Years from the said Time on the Payment of not more than One-eighth Part of the Value of such Lot, Piece, or Parcel of Land or Buildings.

And be it further ordained and enacted by the Authority aforesaid, That in all Cases where the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal, their Successors, and any of the said Censitaires, or other Person or Persons, Body Politic or Corporate, so requiring a Commutation, Release,

No. 164.

Incorporating the Ecclesiastics of St. Sulpice, confirming their Titles, and providing for the Extinguishment of Seigniorial Rights therein.

No. 164.

Incorporating the Ecclesiastics of St. Sulpice, confirming their Titles, and providing for the Extinction of Seigniorial Rights therein.

and Extinguishment in manner aforesaid, shall not by voluntary Agreement settle and determine the Value of any such Lots, Pieces, or Parcels of Land and Property, with reference to which the said Price, Consideration Money and Indemnity, according to the Rates herein-before established, shall be reckoned, such Value thereof shall be fixed, ascertained, and determined by the Award of Arbitrators in manner following; that is to say, the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or Successors, shall and may nominate, and in their Default so to do, one of the Justices of the Court of King's Bench for the District of Montreal, shall and may on their Behalf nominate, an Arbitrator, being an indifferent and disinterested Person, and the said Censitaire, Person or Persons, or Body Corporate or Politic respectively, shall and may nominate and appoint one other Arbitrator, being also an indifferent and disinterested Person, and the said Court of King's Bench for the said District of Montreal, upon a Petition or summary Application to it made in that Behalf, shall and may nominate one other Arbitrator, being also an indifferent and disinterested Person; which said Three Arbitrators, after having been previously sworn, before any One of the Justices of the Court of King's Bench for the said District of Montreal hereby authorized to administer such Oath, well, truly, and honestly to execute the Trust and Duty of Arbitrators as aforesaid, and after Notice to the Parties respectively of the Time and Place of their meeting, shall proceed to fix, ascertain, and determine the Value of the Lots, Pieces, or Parcels of Land and Property in respect whereof such Commutation, Release, and Extinguishment shall be required; provided always, that the Costs and Expenses of such Arbitration shall be borne by the Parties in equal Shares, and that the said Arbitrament and Award of the said Arbitrators, to be named and appointed as aforesaid or of any Two of them, in and respecting the Premises, shall be final, and the same shall be duly returned into, filed, and enrolled in the said Court of King's Bench for the District of Montreal, and shall by such Court be duly confirmed.

And be it further ordained and enacted by the Authority aforesaid, That upon the rendering and Confirmation of the said Award in the Behalf and in Manner aforesaid, it shall be lawful for the Censitaire, Person or Persons, or Body Corporate or Politic, requiring such Commutation, Release, and Extinguishment of all seigniorial and feudal Rights and Burdens as aforesaid, to pay or offer to pay to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, as and for the Price, Consideration Money, and Indemnity for the said Commutation, Release, and Extinguishment of all seigniorial and feudal Rights and Burdens, such Part of the Value of such Piece or Parcel of Land and Property, fixed and determined by such Award, as according to the Rates mentioned in the Fifth Section of this present Ordinance should be due and payable in that Behalf, or to declare his, her, or their Option to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, that the said Price, Consideration Money, and Indemnity, (provided the same shall amount to not less than One hundred Pounds Currency,) shall be and remain upon and shall charge and affect such Lot, Piece, Parcel of Land or Property, at and for a redeemable Quit Rent, (à Rente constituée et rachetable), according to the Laws of this Province; and that any Option in the said Behalf so made and declared shall have the full Effect in Law of charging and affecting such Land or Property for such Price, Consideration Money, and Indemnity at a redeemable Quit Rent (à Rente constituée et rachetable) to all Intents and Purposes whatsoever.

And be it further ordained and enacted by the Authority aforesaid, That from and after the voluntary Settlement and Adjustment between the Parties touching the said Price, Consideration Money, and Indemnity, or from and after the Payment or Tender of Payment to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, of the said Price, Consideration Money, and Indemnity, reckoned according to such Award in that Behalf, or from and after a Declaration signified to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, by the said Censitaire, Person or Persons, or Body Politic or Corporate, of his, her, or their Option that such Price, Consideration Money, and Indemnity, reckoned according to such Award, shall be and remain upon and charge and affect such Lot, Piece, or Parcel of Land and Property, at and for a redeemable Quit Rent (à Rente constituée et rachetable) in manner aforesaid, all and every the Droits de

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Incorporating the Ecclesiastics of St. Sulpice, confirming their Titles, and providing for the Extinction of Seigniorial Rights therein.

Cens et Rentes, Lods et Ventes, Droits de Banalité et de Moulin, Droit de Retrait, and all other feudal and seigniorial Rights whatever of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, upon, for, or in respect of the Lot, Piece, or Parcel of Land or Property as to and concerning which such Commutation, Release, and Extinguishment may be sought and required, shall be and be held to be taken and considered for ever commuted, released, and extinguished, and such Lot, Piece, or Parcel of Land shall be holden, and be deemed and considered as holden, thenceforth for ever, by the Tenure of Franc Aleu Roturier, according to the Laws of this Province, and shall never again be granted, surrendered, or holden by any Feudal Tenure whatsoever: Provided always, that nothing herein-before contained shall extend or be construed to extend to discharge the Lots, Pieces, or Parcels of Land, the Tenure whereof may be so converted into that of Franc Aleu Roturier, from the Rights, Hypothèques, Privileges, Reservations, and Demands of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, charged in and upon the same, for the Security and Recovery of the Price, Consideration Money, and Indemnity, which, by reason of the Adjustment with the Censitaire or Person who required such Commutation, Release, and Extinguishment, may remain as a Charge and Incumbrance of such Land or Property, at a redeemable Quit Rent as aforesaid, (for the Security and Recovery of which Prices, Consideration Money, and Indemnity the said Corporation shall have the same legal Recourse, Privilege, and Priority of Hypothèque as they would have had for any Right extinguished by such Commutation,) or for the Security and Recovery of any Arrears of Seigniorial Dues accrued before such Commutation, Release, and Extinguishment may have been required, or in anywise to destroy, alter, or affect the Remedies and Recourse at Law which the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, might lawfully have had or have taken for the Recovery of the same if such Commutation, Release, and Extinguishment had not been made and obtained, but that all and every the lawful Rights, Hypothèques, Privileges, Actions, Demands, Recourse, and Remedies in that Behalf of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and of their Successors, be and the same are hereby saved and maintained.

And be it further ordained and enacted by the Authority aforesaid, That if the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, shall refuse or neglect to make and execute, to and in favour of any Censitaire or other Person, or Body Corporate or Politic, who shall in manner aforesaid have paid or tendered Payment to them of the Amount of the said Price, Consideration Money, and Indemnity, according to any such Award made in due Manner, or who shall have declared his, her, or their Option to the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal, or their Successors, that such Amount should remain upon and charge and affect the Lot, Piece, Parcel of Land, and Property, and for a redeemable Quit Rent, according to the Provisions in that Behalf herein-before contained, an Instrument in Writing before Two Notaries, or a Notary and Two Witnesses, (at the joint Cost of the Parties), setting forth such Commutation, Release, and Extinguishment of all seigniorial and feudal Rights, Dues, and Burdens, and the Terms and Conditions thereof, according to Law, and the respective Rights of the Parties, it shall and may be lawful to and for such Censitaire, Person or Persons, or Body Corporate or Politic aforesaid, to implead the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, in the said Court of King's Bench for the District of Montreal, for the Purpose of compelling them to grant to the said Censitaire, Person or Persons, or Body Corporate or Politic aforesaid, such Instrument in Writing as aforesaid, setting forth such Commutation, Release, and Extinguishment, according to Law, and the respective Rights of the Parties; and upon their Default so to do it shall be lawful for the said Court of King's Bench, and they are hereby required, by their Judgment in that Behalf, to award and adjudge to such Censitaire, Person or Persons, or Body Corporate or Politic, the full Benefit of such Commutation, Release, and Extinguishment, for and in respect of such Land or Property, according to Law, and the respective Rights of the Parties, with lawful Costs of Suit.

And

No. 164.

Incorporating the Ecclesiastics of St. Sulpice, confirming their Titles, and providing for the Extinction of Seigneurial Rights therein.

And be it further ordained and enacted by the Authority aforesaid, That the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, shall not, for Arrears of Lods et Ventres accrued to them at the Time of the coming into force and effect of this Ordinance, or hereafter to accrue and become due to them, according to Law, for each Mutation in the Ownership of any Lands and Tenements situated within the said City of Montreal, and of which, with the Buildings erected thereon, the Value shall be the Sum of Five hundred Pounds Currency or upwards, demand and exact more than One-twentieth Part of the Price and Consideration for each Sale or Conveyance of any such Lands and Tenements, nor shall they, for each and every Mutation in the Ownership of any Lands or Tenements situated in the Censive of any One of the said Three Fiefs and Seigniories, and out of the Limits of the said City of Montreal, exact and demand more than One-sixteenth Part of the Price and Consideration of the Sale and Conveyance of such last-mentioned Lands and Tenements; nor shall they, for each and every Mutation in Ownership of any Lands or Tenements situated within the Limits of the said City of Montreal, of which, with the Buildings thereon erected, the Value shall be less than Five hundred Pounds Currency, exact or demand more than One-sixteenth Part of the Price or Consideration for each Sale or Conveyance thereof; and further, that all and every such Arrears of Lods et Ventres, accrued at the Time of the passing of this Ordinance, according to the respective Rates aforesaid, shall not be demandable from any Person or Persons owing the same personally or hypothecarily, nor shall any such Persons or Persons indebted as aforesaid to a greater Amount than Forty-one Pounds Currency be compellable to pay the same to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, except within Seven Years from the Day when this Ordinance shall come into force and effect, in Seven equal and annual Instalments: Provided always, that in default of any Person or Persons to pay any such Instalment or Instalments after the same shall become due, and after Three Months Notice, and a notarial Demand signified to him or them in that Behalf, the whole of such Arrears of Lods et Ventres, according to the Rates aforesaid, or the remaining unpaid Instalments thereof, shall become and be immediately payable to and demandable by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, from and shall be paid to them by the Person or Persons who shall owe the same; provided also, that in case the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, shall, before the Time when this Ordinance shall come into force, have been obliged to make and file any Opposition afin de conserver in any Court of Judicature in the said District of Montreal, with regard to the Lands or Tenements charged and encumbered with and for the Payment of any such Arrears, or to the Proceeds of any Judicial Sale thereof, or to Applications for Judgments of Confirmation of Title of any such Lands or Tenements, then and in such Case the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, shall be entitled to Judgment for and to receive such Part only of the Price and Consideration for each and every Mutation in the Ownership of such Lands or Tenements as is herein provided according to the Value and Locality thereof; but the Amount for which such Judgment shall be rendered shall be payable at the Time when it would have been payable if this Ordinance had not been passed; provided however, that any Judgment for any such Arrears which shall have been rendered before this Ordinance shall come into force, in favour of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, shall and may be executed according to the Tenor thereof, as if this Ordinance had not been passed.

Provided always, and be it further ordained and enacted by the Authority aforesaid, That the total Amount to be received by the said Ecclesiastics of the Seminary of Montreal to their Use for the Purposes herein specified, as and for Arrears of Lods et Ventres due before the passing of this Ordinance, shall in no Case exceed the Sum of Forty-four thousand Pounds Currency on Real Property lying within the Fief and Seigniorie of the Island of Montreal, nor the Sum of Twelve thousand seven hundred Pounds Currency on Real Property lying within the said Fiefs and Seigniories of the Lake of the Two Mountains and of Saint Sulpice; and any Monies received by the said Corporation for any such Lods et Ventres, over and above the said Sums respectively,

shall be public to the Reg. Author

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And said

shall be so received for Her Majesty, Her Heirs and Successors, for the public Uses of the Province, and shall be paid over by the said Corporation to the Receiver General, and await in his Hands the Disposal of the Legislative Authority of the Province.

And be it further ordained and enacted by the Authority aforesaid, That the Lot, Piece, or Parcel of Land called the Farm of Saint Gabriel, situated within the said Fief and Seigniory of the Island of Montreal, lying on the West Side of the Lower Road to Lachine, containing about Two hundred and seventy Arpents, being one of the Domain Lands, Farms, Tenements, and Hereditaments secured and confirmed to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, by the Second Section of this Ordinance, shall, within the Space of Twenty Years after the passing of this Ordinance, be by the said Ecclesiastics alienated and disposed of by public Sales, after advertising the same for One Month in Two of the public Newspapers published in the said City of Montreal, in Franc Aleu Roturier for ever, in such Parts and Parcels, and for such Prices, Terms, and Considerations, as to them may seem most meet and advantageous; and, for the making of any such Alienations and Conveyances, the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, are hereby fully and duly licensed and authorized; and if at the Expiration of the said Twenty Years the said Farm of St. Gabriel, or any Parts or Parcels thereof, shall yet remain not alienated or disposed of, then and in that Case the said Farm of St. Gabriel, or such Parts or Parcels thereof as shall so remain not alienated or disposed of as aforesaid, shall, by the mere Lapse of the said Period of Time, and by Operation of Law, fall within the Provisions of the Laws of Mortmain, and be forfeited to and be vested in Her Majesty, Her Heirs and Successors, and be re-united to the Domain of the Crown for ever.

And be it further ordained and enacted by the Authority aforesaid, That all and every the Monies which may arise from the Commutation, Release, and Extinguishment of the Seigniorial Rights and Burdens for and in respect of Lands, Tenements, and Property within the Censive of the said Three Fiefs and Seigniories, and which may by the Provisions and for the Purposes of this Ordinance be the Property of the said Corporation, and all Monies which shall be received and gotten in by reason of the Sale, Alienation, or Disposal of the said Farm of Saint Gabriel, or of any Parts or Parcels thereof, and which Monies as aforesaid may be disposable, after the necessary Expenditure for the Uses and Support of the said Institution shall have been provided for, shall, by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their Successors, be invested in the public Stocks or Securities of the United Kingdom of Great Britain and Ireland, or of its Colonies or Dominions, and not otherwise; and that the Rents, Revenues, Dividends, and Profits of the Monies so invested shall be had, taken, and received by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, to be expended in and about the Support and Management of the said Institution, and in promoting its Objects, according to the Provisions and Requirement of this Ordinance: Provided always, that out of the said Monies which shall so arise, or shall be as aforesaid received and gotten in and collected, it shall and may be lawful for the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, to apply and invest a Sum or Sums of Money, in the whole not exceeding the Sum of Thirty thousand Pounds Currency, in Constitutions de Rentes on immoveable Property, or in the Purchase of Houses, Lands, and Tenements, and immoveable Property, situated within this Province, in order to create and produce Income to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal and their Successors: Provided always, that in addition to and over and above such Real Property producing Income, which the said Corporation are hereby authorized to purchase and hold to the Value of Thirty thousand Pounds as aforesaid, and no more, they may likewise purchase and hold any other Real Property, Houses, Buildings, or Tenements, destined for and appropriated to Purposes of Religion, Charity, or Education, and producing no Income, which may be necessary to accomplish the Purposes and Objects of this said Corporation, as the same are herein-before described and defined.

And be it further ordained and enacted by the Authority aforesaid, That the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal shall, whenever

No. 164.

Incorporating the Ecclesiastics of St. Sulpice, confirming their Titles, and providing for the Extinction of Seigniorial Rights therein.

No. 164.

Incorporating the Ecclesiastics of St. Sulpice, confirming their Titles, and providing for the Extinction of Seigniorial Rights therein.

and so often as they may be thereunto required by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the Time being, lay before him, or before such Officer or Officers as he shall appoint, a full, clear, and detailed Statement of the Estate, Property, Income, Debts, and Expenditure, and of all the pecuniary and temporal Affairs of the said Corporation, in such Manner and Form, and with such Attestation of Correctness, as the Governor, Lieutenant Governor, or Person administering the Government shall direct.

And be it further ordained and enacted by the Authority aforesaid, That the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their Successors, as to temporal Matters, shall continue and be subject to the same Powers of Visitation as in the like Cases were possessed and exercised by the Kings of France before the Conquest of this Province, and are now possessed and exercised in that Behalf by Her Majesty in right of Her Crown.

And be it further ordained and enacted by the Authority aforesaid, That nothing in this present Ordinance contained shall extend or be construed to extend to destroy, diminish, or in any Manner to affect the Rights and Privileges of Her Majesty, Her Heirs and Successors, or of any Person or Persons, Society, or Corporate Body, excepting such only as this Ordinance may expressly and especially destroy, diminish or affect.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be taken and deemed to be a Public Act and Ordinance, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and all others whom it shall concern, without being specially pleaded.

And be it further ordained and enacted by the Authority aforesaid, That this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent Authority.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Eighth Day of June, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Eighth Day of June One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

(Copy.)

No. 129.

No. 129.

Extending the System of Police to the District of St. Francis.

An Ordinance to extend the Provisions of the Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal to the District of Saint Francis in this Province.

[Passed 12th May 1840.]

WHEREAS it is expedient to extend the Provisions of the Ordinance herein-after cited to the District of Saint Francis in this Province; be it therefore ordained and enacted by his Excellency the Governor of this Province of Lower Canada, by and with the Advice and Consent of the Special Council for

for the Affairs of this Province, constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also by virtue and under the Authority of a certain other Act of the same Parliament passed in the Session held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the Authority of the said Acts of Parliament, That the Ordinance made and passed in the Second Year of Her Majesty's Reign, intituled "An Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal," shall be and is hereby extended to the District of Saint Francis in this Province; and that the Governor or Person administering the Government of this Province shall, with regard to the said District of Saint Francis, have all the Powers and Authority vested in him by the said Ordinance with regard to the Cities of Quebec and Montreal, and the neighbouring Districts thereof.

(Signed) C. POULETT THOMSON.

Ordained and enacted by the Authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House in the City of Montreal, the Twelfth Day of May, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the Year of our Lord One thousand eight hundred and forty.

By his Excellency's Command.

(Signed) W. B. LINDSAY,
Clerk Special Council.

I hereby certify the above to be a true Copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the Advice and Consent of the Special Council for the Affairs of the said Province, on the Twelfth Day of May One thousand eight hundred and forty, and in the Third Year of Her Majesty's Reign.

(Signed) W. B. LINDSAY,
Clerk Special Council.

THE HISTORY OF THE CITY OF BOSTON

From the first settlement of the city in 1630 to the present time. The city of Boston was founded by a group of Puritan settlers who sought a place where they could practice their religion freely. The city grew rapidly and became one of the most important centers of commerce and industry in the New England colonies. The city was the site of many important events in American history, including the Boston Tea Party and the Battle of Boston. The city is now one of the most important cities in the United States.



